~~Secret~~

(2)

Information Paper on "Los Pepes"

1. ~~(S/NF/WN)~~ The ""Pepes" (Perseguidos por Pablo Escobar or Persecuted by Pablo Escobar) evolved as a result of Pablo Escobar Gaviria's (PEG) murder of the Moncada and Galeano brothers, his former partners. Their first recorded violent act against PEG's organization occurred on or about 30 January 1993 with an assassination on the 2nd of February. The group publicly announced their formation on this date and have since announced their disbandment a number of times. Also, the group, possibly known as "Colombia Libre," has been referred to as a vigilante or terrorist group. The "Pepes" are best described as a joint effort by PEG's rivals with a declared goal of his complete demise.

2. ~~(S/NF/WN/OC)~~ The "Pepes" are comprised primarily of Medellin Cartel defectors, spearheaded by the Galeano and Moncada families (former cronies and now victims of PEG), and Fidel Castano, a paramilitary leader from the Medio Magdalena area. (b)(1)(b)(3)

[redacted]

3. ~~(S/NF/WN/OC)~~ The "Pepes" modus operandi includes bombings, assassinations, kidnappings, and intimidation directed at the infrastructure of PEG's organization. Reportedly abandoning its violent pursuit of Escobar on a number of occasions, the group continues to resurface. Although PEG remains at large, the "Pepes" have had a great impact on the once all powerful Medellin Cartel. (b)(1)(b)(3)

[redacted]

4. ~~(S/NF/WN/OC)~~ Although the "Pepes" primary purpose was to avenge the murders of Medellin Cartel members by PEG, an ulterior motive must be considered. One possible goal would be the creation of a "new" Cartel, filling the vacuum created by the parting of PEG. This could be accomplished by establishing a quid pro quo relationship with the North Coast and Northern Valle del Cauca Cartels. This arrangement would minimize competition, violence, and maximize the use of the established narcotrafficking infrastructure in Colombia.

5. ~~(S/NF)~~ This undertaking will undoubtedly have to receive the approval of Colombia's most powerful cartel in Cali. The success of the Pepes has created a "double edged sword." The Cali Cartel may realize that as long as PEG remains at large, the government will not commit all of its resources against them. In essence, it is in their interest for PEG to remain free, at least in the near term. It is not clear as to which course of action the Cali Cartel may take in this regard, but the hatred of PEG and a desire for

(b)(1)(3)

[redacted]

2

DRAFT

~~SECRET NOFORN WNINTEL~~

INFORMATION PAPER

SUBJECT: The "PEPES" (U)

1. (U) PURPOSE: To provide the Federal Bureau of Investigation background data on the anti-Escobar group, "PEPES."

2. (U) DISCUSSION:

a. ~~(S/NF/WN)~~ The "PEPES" (Perseguidos por Pablo Escobar - Persecuted by Pablo Escobar) is a vigilante group committed to the demise of Pablo Escobar Gaviria. The group was formed by various disaffected drug traffickers as well as members of the Moncada and Galeano families in response to the murders by Escobar henchmen of the Moncada and Galeano brothers in July 1992. The "PEPES" is also possibly operating as "COLOMBIA LIBRE." The "PEPES" first recorded violent act occurred in late January 1993 when it bombed a ranch where Escobar's mother had lived, and publicly announced its formation following an assassination on 2 February. The group has since been credited with at least three bombings and as many as 48 murders of Escobar associates. All known "PEPES" operations have occurred in Colombia, [redacted] (b)(1)(b)(3)

b. ~~(S)~~ The "PEPES" is led by the Galeano and Moncada families and comprised primarily of Medellin Cartel defectors. Fidel Castano Gil, a trafficker/paramilitary leader from northwest Colombia, is considered the chief of operations. The "PEPES" modus operandi includes bombings, assassinations, kidnappings, and intimidation directed at the infrastructure of Pablo Escobar's organization and his family. The "PEPES" has probably received financial support from the Cali Cartel, and there are rumors of unofficial government support--possibly from the police and [redacted] (b)(1)(b)(3)

c. (U) Although Pablo Escobar remains at large, "PEPES" has had an impact on both him and his organization by assassinating several of his associates and family members. This impact is exemplified by the exodus of Escobar family members to Europe, Central America, and other South American countries.

~~SECRET NOFORN WNINTEL~~

3. ~~(S/NF)~~ ANALYSIS: Fidel Castano Gil could pose new and different challenges to the GOC in a post-Escobar era. Although the "PEPES" was formed primarily to avenge Escobar-directed murders, Castano's drug trafficking activities provide him the financing necessary to further an anti-left agenda, which he began in 1981 following his father's death while in guerrilla captivity. Castano has since led several paramilitary operations against such leftist groups as insurgents, political parties, and labor unions. A Colombian court sentenced Castano in abstensia to 20 years for mass killings of peasants and farm workers carried out by paramilitary forces under his control. How actively the GOC pursues Castano may depend more on how his paramilitary agenda complements Bogota's counterinsurgent objectives rather than on his drug trafficking activities.

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Governments Response to Drug Cartel's Violence: The Case of Colombia and Mexico

by

Ilenia Quintero

Under the Direction of Louis-Alexandre Berg, PhD

A Thesis submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2021

ABSTRACT

This paper focuses on how governments respond to cartel violence in Colombia and Mexico with either cooperation or retaliation. I tested three explanations in Medellin from 1984 to 1993 and Culiacan from 2000 to 2011. While the theory suggests that state repression causes cartel violence or, the other way around, based on the empirical analysis, I find that the theories that focus only on cartel violence are insufficient because there is an interrelationship between international assistance, type of cartel violence, and the type of cartel territorial control with how governments respond to cartel violence. Therefore, I conclude that the type of cartel violence and the type of cartel territorial control have the most potent effect on how governments respond to cartel violence than international assistance.

INDEX WORDS: Cartel Violence, Governments, International Assistance, Cooperation, Retaliation, Cartel Territorial Control, State Weakness

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Governments Response to Drug Cartel's Violence: The Case of Colombia and Mexico

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August 2021

DEDICATION

I dedicate this thesis to my parents and fiancé for always supporting me with love and affections and their dedicated partnership for success in my life.

ACKNOWLEDGEMENTS

I would like to acknowledge everyone who played a role in my academic accomplishments. First of all, my parents, who provided me love and support. Without my parents, I could never have reached this level of success. Secondly, my committee members, each whom has provided advice and guidance throughout the research process. Thank you all for your unwavering support.

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1 INTRODUCTION

With the rise of violent cartels in Latin America and North America, drug cartel violence has been constant since the 1980s. Violence in the countries residing the most powerful cartels increased by reaching 27,213 homicides in 2011 in Mexico and 28,441 homicides in 1993 in Colombia. For instance, in 1984, the Medellin Cartel had an assassin shot and kill Justice Rodrigo Lara Bonilla in Bogota, Colombia (Perera 2015). The following year, Pablo Escobar had financed an attack with armed guerrillas at the Palace of Justice in Bogota, Colombia, that resulted in the death of over 100 people, including governmental officials. In 1989, a presidential candidate, Luis Carlos Galan Sarmiento, was shot and killed on stage in Soacha, Bogota. Then, later that year, the Avianca airplane was destroyed by an explosive device killing 113 people. The destruction of that plane was an attempt to kill Cesar Gaviria Trujillo, a political candidate. In 1991, the Medellin homicide rate reached its top-level of 381 deaths per 100,000 habitants, making it the most violent city in the world under Pablo Escobar's cartel (Durán-Martínez 2015). Initially, the Colombian government retaliated against the Medellin Cartel but then it later complied by paralyzing the extradition laws. However, that was not enough for the Medellin cartel, and violence continued to emerge in Colombia. After the assassination of a presidential candidate, the United States provided support to the Colombian government to eradicate the Medellin Cartel with the Andean Initiative.

Similarly, the Mexican government was hit with constant violence from the most powerful cartels. Between 2006 and 2012, narco-executions killed 2,894 police forces and 262 public officials (Rosen and Zepeda 2016). In November 2010, Mexican drug cartels executed the former governor of Colima, Silverio Cavazos Ceballos. Earlier that year, Mexican Cartels

murdered a PRI candidate for the government of Tamaulipas, Rodolfo Garcia Cantu. Drug cartels also managed to kill Jose Francisco Blake Mora, a Minister of the Interior, which was the federal government's second-highest position (Lerner 2011). Violent attacks against the Mexican government did not stop there, it still happens until this day. An estimated 150,000 deaths have occurred since 2007, and more will continue to pile up unless this violence is eradicated. Mexico's transition to democracy in the early 2000s gave fuel to the burning fire of violence. Mexican cartels felt obligated to use violence as the preferred method to influence the Mexican government to comply with their demands until Calderon's presidency officially declared war on drugs leading to a bilateral agreement between Mexico and the United States to combat narcotics through the Merida Initiative.

This paper focuses on how governments respond to cartel violence in Colombia and Mexico with either cooperation or retaliation. I have tested the following explanations in Medellin and Culiacan. Firstly, when there is cartel monopoly control, governments are most likely to respond with cooperation. Secondly, when cartels use direct coercive violence against the state, governments are most likely to respond with retaliation against cartels. Lastly, when there is sufficient international assistance governments respond with retaliation against cartels because of adequate counternarcotic funds and resources in law enforcement. While the theory suggests that state repression causes cartel violence or, the other way around, based on the empirical analysis, I find that the theories that focus only on cartel violence are insufficient because there is an interrelationship between international assistance, type of cartel violence, and the type of cartel territorial control with how governments respond to cartel violence. Therefore, I conclude that the type of cartel violence and the type of cartel territorial control have the most potent effect on how governments respond to cartel violence than international assistance.

I have structured this paper into five sections. In the first section of the paper, I will discuss state response and cartel violence literature. In the second section, I will discuss the possible explanations of government response to cartel violence. The third section introduces the methodology that I will conduct in my research to explore the interaction between international assistance, the type of cartel territorial control, and the type of cartel violence with governments response to cartel violence by either cooperating or retaliating. In the fourth part of my paper, I will examine the interaction between international assistance, the type of cartel territorial control, and the type of cartel violence with governments' response to cartel violence in Medellin and Culiacan. The last section of the paper will discuss the results of the interaction between international assistance, the type of cartel territorial control, and the type of cartel violence with the outcome of government response. Finally, the conclusion summarizes the main findings.

1.1 Literature Review

Why do drug cartels use violence against governments? To answer this question, we must look into the literature on drug cartel violence and state response. For instance, Lessing argued that turfs wars versus cartel cooperation caused whether the cartel used violent lobbying or violent corruption against Mexico and Colombia's governments (Lessing 2015). Additionally, he compared organized criminal groups to insurgencies, guerrillas, or terrorist groups. Turfs wars among cartels is an approach of contest like insurgencies, guerrillas, or terrorist groups that want to remove or replace the governments. Moreover, Lessing explains that drug cartels use the constraint approach, i.e., coercive force against governments unlike the conquest approach used by insurgencies, guerrillas, or terrorist groups to remove or replace the government.

Similarly, Duran-Martinez argues that the state security apparatus's cohesion and competition among cartels determine drug cartels' incentives to employ violence. Violence is visible and frequent when traffickers are competing with each other, and the government is fragmented. By contrast, violence is less visible and frequent when the cartel market is monopolized, and the state security apparatus is cohesive (Durán-Martínez 2015). Likewise, Rios argues when there is violence and competition among cartels, local elected officials are more likely to get attacked (Rios 2012).

However, state repression scholars focus on how the state's response affects criminal group's violence. Bailey and Taylor focus on governments' attempts to control or repress criminal groups triggers how criminal groups employ different tools and instruments in three categories: evasion, corruption, and confrontation against the government (Bailey and Taylor 2009). Their argument consists of confrontational signals used as a calculation by criminal groups. It is most likely used when organized crime segments believe the costs of tolerating government actions are higher than the risks of drawing attention to themselves. Calderon et al. analyze whether the captures or assassination of kingpins and lieutenants have increased drug-related violence and whether the violence overflows spatially. The evidence suggests that the capture or killings of drug cartels leaders have worsening effects on drug trafficking organizations related to violence and homicides that affect the general population. However, lieutenants' captures or killings seem only to make things worse with violence in "strategic places" or municipalities located in the transportation network. Most importantly, most of the drug trafficking-related violence effects are during the first six months after the drug kingpin's removal (Calderon et al., 2015).

Another contribution to state repression literature is Philips's theoretical framework that suggests a distinction between political and criminal groups and uses it to explain how leadership removal affects criminal violence. Philips argues that groups differ in terms of incentives they offer recruits or members and the "market" they function in. For example, criminal groups depend on "material" incentives, and leaders coordinate those incentives. Therefore, leadership decapitation can disturb the illicit business in the short-term. However, long-term, as long as there is a demand in the market for criminal groups' services, any weak organization will be replaced. Violence will continue despite leadership removal and can increase due to it (Phillips 2015).

Lastly, the cartel structure literature contributes to the correlation between cartel structure and the policymaking process. Desmond-Arias examines how criminal organizations influence the policymaking process. He argues that three dynamic principles emerge based on the structure of the crime and the relationships these groups have with state officials. Then, this relationship shapes the experience of policymaking in locales where these criminal organization function. When armed actors have a strong relationship with the state officials, they are more influential in the policy process. On the other hand, if there is a competition between these criminal organizations and the state, then the criminal organizations can manipulate the policy process by semi-clandestine contacts with civic groups. However, when there is unorganized and little connection with criminal groups have little direct influence on policy process, but the criminal group’s presence and violent activities can create friction that increases the costs of enforcing a policy (Desmond-Arias, 2018). The cartel structure literature relates to the literatures of state repression and inter-cartel conflict by providing explanations of how cartel violence can emerge and increase.

The contributions above have helped expand the literature on cartel violence and state response. For instance, inter-cartel scholars argue that the type, frequency, and visibility of violence depends on conflicts between cartels. On the other hand, state repression scholars argue that state oppression against cartels can trigger drug cartel violence when the cost of tolerating government actions are low and there is leadership removal. Contrarily, the cartel structure scholars argue that criminal organizations can influence policymaking by the relationship criminal organizations have with state officials. Therefore, if there is less connection between criminal organizations and state officials, it can create violent activities from the criminal organization which increases the cost of enforcing policy. Unfortunately, the literature is insufficient because it's missing the cycle interaction between possible explanations that cause governments to response to cartel violence. I would like to contribute to the literature of cartel violence and state response by focusing on the explanations of government response to cartel violence.

1.2 Explanations to Government Response

How do governments respond to drug cartel violence? The government, employing social contract, should protect its citizens no matter the cost, but that is not the case in Colombia and Mexico. Unfortunately, these governments are challenged by the violence caused by drug cartels. Additionally, they have weak state institutions that make it difficult to combat cartel violence. I explore three explanations that elucidate governments response to drug cartel violence. These explanations build upon the literature of cartel violence and state response because the literature I stated above examines the causation of cartel violence.

	International Assistance	**Type of Cartel Territorial Control**	**Type of Cartel Violence**
Cooperation	*Low*	*Cartel Monopoly Control*	*Cartel-Civilian Violence and Inter-Cartel Violence*
Retaliation	*High*	*Cartel Competitive Control*	*Cartel-State Violence*

Table 1 Possible Explanations of Government Response

As you can see in Table 1, cartel monopoly control in a given territory has many advantages for the government to cooperate with them. For instance, the majority of the people in these territories are loyal to the cartels making it hard for police officials to find cartels' hotspots, or municipal security forces that are under cartels' control can serve as informants or enforcers of the cartels (Trejo and Ley, 2021). However, when there is cartel competitive control with multiple cartels in a territory, cartels will protect their territory by all means necessary against competitors or law enforcements. Consequently, cartels begin to carry out acts of violence against their competitors or government officials. Rival cartels can use these acts of violence to collaborate with law enforcement to tackle down the violent cartel. Then, the government uses this opportunity to retaliate against the violent cartel. Therefore, I argue that cartel monopolization influences governments to respond with cooperation, and they respond with retaliation when there are multiple cartels in a given territory.

Secondly, cartels use violence as a strategic purpose against governments when states interfere with their business and when governmental officials do not accept materialistic incentives to implement with their policy demands. Therefore, cartels' employment of violence

against the local populace, the security forces and government are used to intimidate anyone contemplating resistance to drug trafficking (Knowles, 2008). Government's response depends on the type of violence used by cartels that causes retaliation. In other words, if cartels use coercive force against government officials, governments are most likely to retaliate against cartels. This government response is because the state's primary objective with respect to public security is to maintain public order or to maintain the impression of it; therefore, when it is challenged by cartels it must respond with full force. Nevertheless, I argue that when cartels use violence against the state, governments are most likely to retaliate against cartels.

Lastly, when international assistance is low or insufficient in a weak state, the state's law enforcement faces significant challenges in making the federal police more efficient, effective, and accountable with the lack of funding, resources, inadequate training, and corruption (Reames 2003). These challenges make it difficult for law enforcement to retaliate effectively against highly trained cartels and have all the resources for combat against the police. Nevertheless, when there is high or sufficient international assistance provided for these governments, they are given funds to retaliate against drug cartels. These assistance programs include monetary funds for a counternarcotic measure such as military assistance, the training and equipping counter-narcotics battalions, technology, intelligence training, and institutional reform. Once these governments apply these counternarcotic measurements, retaliation is the best approach against drug cartels. On that account, I argue that international assistance might have a significant effect on the outcome of government response. Also, I would like to acknowledge that there is a possibility for inter-relationship among my independent variables that I will address in my case studies. From the explanations above, I have stipulated the following hypotheses:

H1: When there is cartel monopoly control governments are most likely to respond with cooperation.

H2: When cartels use direct coercive violence against the state governments are most likely to retaliate against cartels.

H3: When there is sufficient international assistance governments respond with retaliation against cartels because of adequate counternarcotic funds and resources in law enforcement.

2 METHODOLOGY

In this section of the paper, I introduce the methodology that I used to explore the interaction between type of cartel territorial control, the type of cartel violence, and international assistance with governments response to cartel violence. I intend to test these explanations by using Medellin and Culiacan as the unit of analysis. I conducted a case study using the most similar research design and qualitative comparative analysis using my independent variables, i.e., international assistance, type of cartel territorial control and the type of cartel violence and dependent variables, i.e., cooperation or retaliation.

2.1 Most Similar System: Case Selection

	International assistance	*Cartel Territorial Control*	*Cartel Violence*	*Cooperation*	*Retaliation*
Medellin 1984-1989	**No**	**Yes**	**Yes**	**Yes**	**No**
Medellin 1989-1993	**Yes**	**No**	**Yes**	**No**	**Yes**
Culiacan 2000-2007	**No**	**Yes**	**No**	**Yes**	**No**
Culiacan 2008-2011	**Yes**	**Yes**	**Yes**	**No**	**Yes**

Table 2 Case Timeframes and Explanations of Government Responses

I will conduct a longitudinal study in Medellin and Culiacan with two different timeframes in each city. Therefore, many of the confounding variables that might explain the outcomes of my dependent variable stay the same, except for my main variables of interests which are international assistance, the type of cartel territorial control, and the type of cartel violence. Medellin and Culiacan both have geographical location that gives advantage to the proximity to cultivation labs and distribution routes. Lastly, the proximity to its number one

consumer the United States. These variables do not affect the outcome of my dependent variable because they remain constant across the cases, allowing me to examine the effects of variation in my independent variables, international assistance, type of cartel territorial control and type of cartel violence.

Table 2 illustrates possible explanations to government response in Medellin and Culiacan; these explanations can explain if the government responds with cooperation or retaliation. For example, Medellin did not have sufficient international assistance in the late 1980s; however, by the early 1990s, the Andean Strategy Plan was implemented in Colombia with sufficient funds to combat drug cartels. Not to mention, the Medellin cartel had significant control of its territory until the early 1990s. The type of cartel violence in the mid-1980s up to the 1990s was mostly cartel-state violence in Medellin.

In the same fashion, Culiacan did not receive sufficient international assistance before 2007 until the Merida Initiative was implemented. Culiacan's type of cartel territorial control changed in the early 2000s but then remained under the Sinaloa Cartels' control. However, Culiacan's type of cartel violence was mostly cartel-civilian violence and inter-cartel violence before 2007, but then it changed to cartel-state violence. The timeframes that I will observe are 1984-1989 and 1990-1993 in Medellin and 2000- 2007 and 2008-2011 in Culiacan. These timeframes will help me process trace how my independent variables affect the dependent variables. The scope conditions are given that there is state weakness the above explanations can be generalize to other cases. Additionally, the hypotheses that I stated above can explore the possibility of alternative explanations and whether there is a relationship between the above variables that explain governments response. However, I must mention that there is a possibility of reverse causation between my variables throughout my case studies.

2.1.1 Operationalizations

I collected qualitative and quantitative data to measure my independent variables, i.e., international assistance, the type of cartel control and the type of cartel violence to examine how each independent variable interacts with my dependent variables' outcomes: cooperation or retaliation. I have defined and provided measurements of each variable below.

International Assistance

I define international assistance when assistance is provided from a foreign state in forms of military assistance, training and equipping counternarcotic battalions, technology and intelligence training and counternarcotic and economic monetary funds from the used towards military assistantship, training and equipping counternarcotic units, technology, and intelligence training by the International Narcotics Control and Law Enforcement (INCLE), International Military Education and Training (IMET), Foreign Military Financing (FMF), and Economic Support Fund (ESF). I used INCLE, IMET, FMF, and ESF because they are the funding account names provided by USAID that funded counternarcotic initiatives. I measured international assistance given each year to the Colombian or Mexican government using U.S. Government Documents, USAID, and other sources with international assistance reports. High level of international assistance will be measure as greater than 82 million dollars used towards military assistantship, training and equipping counternarcotic units, technology, and intelligence training. On the other hand, medium level of international assistance is measured between 24 to 82

million dollars whereas low level of international assistance will be measure as less than 24 million dollars used towards military assistantship, training and equipping counternarcotic units, technology, and intelligence training.

Type of Cartel Territorial Control

I distinguish between two types of cartel territorial control: cartel monopoly control and cartel competitive control. Cartel monopoly control is when cartels have monopoly over a given territory by controlling sales of drugs, transit of drugs, aspects of the population and is able to protect its territory by all means necessary when threatened by a competitor or law enforcement officials. On the other hand, cartel competitive control is when there are two or more cartels or independent operators have control of a given territory. To measure the type of cartel territorial control, I used secondary sources such as newspaper reports coding for disputes within cartels.

Type of Cartel Violence

I distinguish between three types of cartel violence: cartel-civilian violence, cartel-state violence, and inter-cartel violence. Cartel-civilian violence is when cartels use coercive force against civilians in forms of extortion, kidnappings, assassinations, and bombings. In contrast, cartel-state violence is when cartels use coercive force against security forces and governments in forms of firefights, raids, assassinations, and bombings. On the other hand, inter-cartel violence is when cartels have disputes with other cartels in the forms of shootings,

assassinations, kidnappings, and bombings. I used the above indicators to locate that information in newspapers reports and violence related studies.

Government Response: Cooperation and Retaliation

I define cooperation when the municipal, state or federal government comply with cartels by protecting, facilitating, staying on standby when there is cartel-related violence, or not extraditing important leaders of the cartels when arrested. I measured cooperation using the above indicators by looking when cartel-related violence occurs in the forms of assassinations, kidnappings, and bombings occur; when the authorities fail to take any action to stop it and when cartel leaders are arrested but are not extradited. By contrast, I define retaliation as a mechanism of state repression against cartels in the forms of police/military operations such as raids/seizures, extraditions, or confrontations between police/military and cartels. Retaliation and cooperation were located with newspaper reports and articles. Cooperation was placed at one extreme of the spectrum and retaliation at the other extreme to trace the variation of each of the independent variables.

3 CASE STUDIES

3.1 Medellin's Government Response to Cartel Violence

In this section, I will examine Medellin's government response depending on the level of international assistance, cartel monopoly control, and type of cartel violence. The Colombian government began to receive U.S. antinarcotic assistance in 1973 when both states signed a bilateral agreement; since then, the U.S. had provided funds to the Colombia government in forms of aircraft, vehicles, communication, and investigative supplies and equipment to Colombian narcotics control and law enforcements (GAO, 1988). However, I will focus on the timeframe from 1984 to 1993 to see how my independent variables, type of cartel territorial control, international assistance, and the type of cartel violence, affect the Colombian government response to cartel violence with either cooperation or retaliation against cartels. The graphs below show U.S. funding assistance and extraditions from 1984 to 1993.

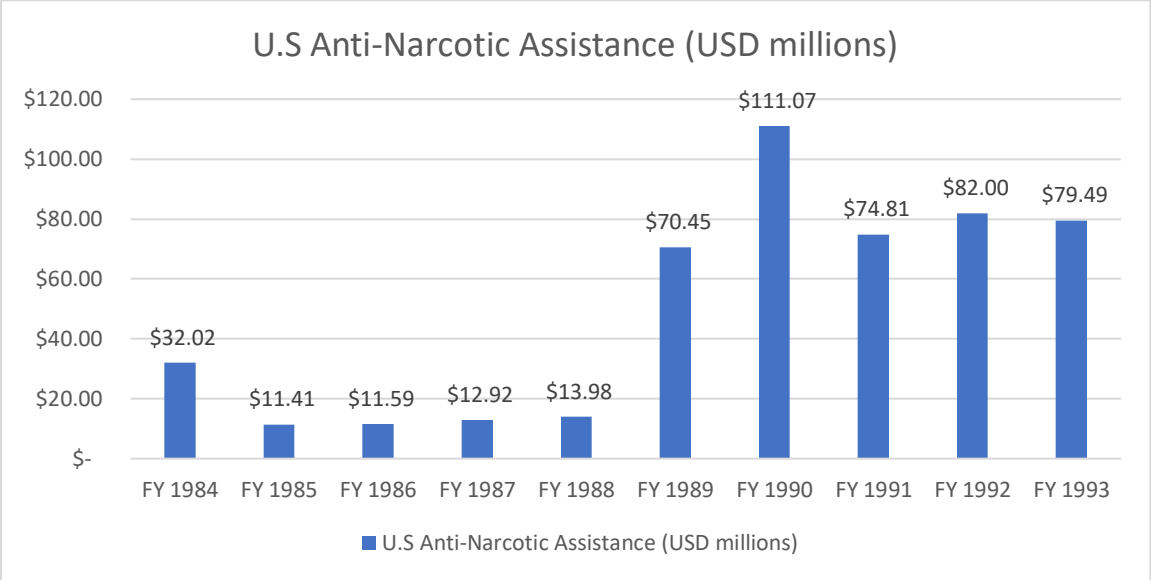

Figure 1 U.S. Anti-narcotics assistance to the Colombian government from 1984 to 1993
Source: U.S. Foreign Aid Greenbook

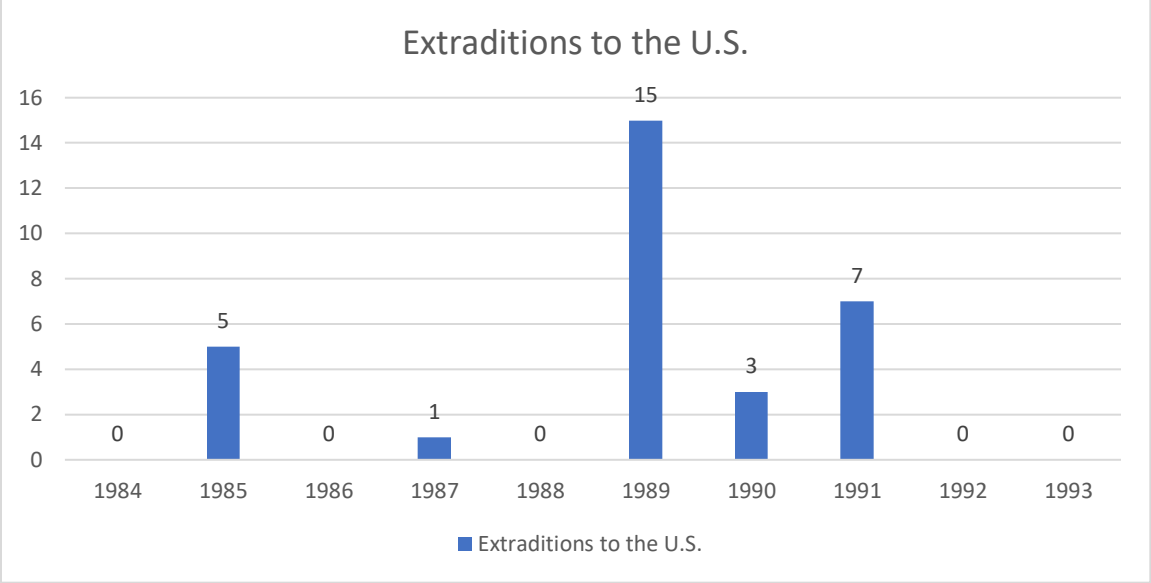

Figure 2 Extraditions from 1984 to 1993
Source: Extradition: between impunity and negotiated justice by Sebastian Zuleta

In April of 1984, the Medellin cartel assassinated the Minister of Justice, Rodrigo Lara Bonilla, who was also known to openly criticized cartels and talked about his enforcement against drug trafficking (El Colombiano). After this attack from the Medellin Cartel, the Colombian government did not take it well. President Betancur retaliated against the cartel by enforcing extradition treaties that he initially did not want to implement in Colombia. During this year, the Medellin cartel had cartel monopoly control and the level of international assistance was low; that being the case, I argue that the cartel-state violence explanation is the best to explain the Colombian government response during this year. The Colombian government responded with retaliation towards the cartel because the cartel used direct coercive violence against the state. The violence used was against the Minister of Justice of Colombia, an important leader responsible for the law and justice for the national executive ministry of the government of Colombia. Therefore, the Colombian government's response against the Medellin

cartel can be explained by the Colombian government responding with force to maintain order or at least the impression of it.

The following year, Bogota's Superior Court Judge Tulio Manuel Castro Gil, who had indicted Escobar for the murder of Lara Bonilla is assassinated as he climbs into a taxi. Throughout 1985 judicial harassment and intimidation becomes commonplace in Colombia. Consequently, in November of 1985, the Medellin Cartel financed the M-19 guerilla to ambush the Supreme Court of Colombia resulting with the death of 100 people, including police officers and 12 judges of the Supreme Court of Colombia (Atta and Anderson, 1988). After the ambush in the Supreme Court, the Colombian government continued to retaliate with the extradition treaties of drug traffickers. As you can see in Figure 2, the Colombian government allowed for five Colombian citizens to be extradited to the United States. In this point in time, the level of international assistance was low, and the Medellin cartel continued to have monopolization over its territory. Henceforth, I argue that cartel-state violence continued to influence the Colombian government to respond with retaliation in the form of extraditions because the Medellin cartel carried out multiple assassinations of Supreme Court Judges and other important government officials. As I stated, when cartels used coercive violence against the state, governments respond with retaliation.

In December of 1986, Guillermo Cano Isaza, the editor-in-chief of El Espectador, was assassinated on his way home from work (Forero, 2020). He was known to write about tough penalties against drug traffickers. In late August 1986, a few weeks after President Barco took office, a trial judge, apparently bribed or threatened by traffickers, unexpectedly cooperated with the release of cartel member Jorge Luis Ochoa. Ochoa had recently been extradited from Spain to Colombia, and the United States wanted him extradited. The Colombian government

cooperated with releasing and not extraditing Jorge Luis Ochoa, one of the key founding members of the Medellin Cartel. In 1986, the Colombian government received 11.59 million dollars which is a low amount of international assistance. Additionally, the Medellin cartel continued to have monopoly control of Medellin. Violence in Medellin reached 115 homicides per 100,000 with cartel-civilian violence. Therefore, I argue that each of my independent variables can explain the Colombian government's response with cooperation during the above incidents. Meanwhile, I also consider that the change of Presidents from Bentacur to Barco did not impact the Colombian government's response since President Barco did not take any action against drug cartels once he took office. Therefore, international assistance, the type of cartel territorial control, and the type of cartel violence affected the Colombian government's response during this year.

However, in June 1987, the Colombian Supreme Court, intimidated by all the violence and threats the Medellin Cartel expose the Colombian government, ruled the extradition treaty unconstitutional despite President Barco's signature. Then, in November of 1987, Jorge Luis Ochoa was captured. Twenty-four hours after his capture, gang thugs arrive at the house of Juan Gomez Martinez, an editor of Medellin's newspaper El Colombiano. They provide Gomez with a communique from "The Extraditables," which threatens the Colombian government with executions of Colombian political leaders if Ochoa is extradited (PBS). Later that year, Ochoa was release under doubtful legal matters. As a result, the Colombian government cooperated with the cartel by releasing Ochoa and ruling out the extradition treaties. The Colombian government had received a low amount of international assistance of 12.92 million dollars.

Moreover, the Medellin cartel continued to have monopoly control over its territory. As a result, I argue that governments cooperated to cartel violence because of cartel monopoly control

and a low level of international assistance. The Medellin Cartel continued to show monopoly control of its territory by founding “The Extradibles” and controlling an aspect of the population by threatening to conduct coercive violence against the state by killing political leaders. In conjunction, the Colombian government did not have enough funds to overcome the corruption of the release of Ochoa’s doubtful legal matters.

In January of 1988, the murder of Colombian Attorney General Carlos Mauro Hoyos was claimed by the Extraditables (PBS). Hoyos was investigating wrongdoings in the government and judiciary. He also had recently begun to investigate Jorge Luis Ochoa Vasquez's release. President Barco promised not "give in" to blackmail or intimidation by traffickers in a national speech. He invoked the state of siege powers and announced a package of emergency measures, the Statute for the Defense of Democracy. Specifically, he announced that he would increase the National Police force of 70,000 men by 5,000 and appoint 5,000 new judges and assistants. Barco also pledged to renew extradition efforts and ordered the military to join the police in a new offensive. In a month, the army destroyed two large cocaine processing complexes and dozens of smaller ones but did not recapture Jorge Ochoa (Bagley, 1988). Although international assistance was low and the Medellin cartel had monopoly control, the Colombian government responded with retaliation instead of cooperation. Under those circumstances, I argue that the Colombian government responded with retaliation against the Medellin cartel because cartel-state violence was used against the Colombian government by assassinating Colombia's General Attorney Hoyos. As a result, the Colombian government retaliates to maintain public order disturbed by the Medellin cartel.

In 1989, the Medellin Cartel carried out several manifestations of violence against the government. Firstly, the Medellin Cartel killed Governor Antonio Roldan Bentacur on his way to

a speech. Then, they killed Judge Maria Elena, who refused to take brides throughout her career. Later that year, they killed the presidential candidate Luis Carlos Galan when he appeared to demonstrate his campaign. They later exploded a bomb on a commercial airplane to murder his replacement, killing all those aboard. The assassination of the presidential candidate of the New Liberalism party Luis Carlos Galán on August 18, 1989, and the "declaration of war" on August 24 by the Extraditables against the Colombian government gave a sense of urgency to the US mobilization. On August 25, President Bush invoked Section 506 (a) of the Foreign Assistance Act of 1961 and ordered 65 million dollars in military supplies to the Colombian Armed Forces and police (Guaqueta, 2005). President Bush seized the opportunity to launch the United States National Drug Control Strategy. He presented the Andean Strategy in his televised address on September 6, 1989. In addition, the Colombian government ordered to destroy all airplane landings strips that were not registered with the government.

Additionally, the identities of Supreme Court judges that handle narcotic cases were kept secret. By the end of that year, Jose Gonzalo Rodriguez, one of the drug lords of the Medellin cartel, was killed by the Colombian police in a raid on his ranch in Tolu. As you can see in Figure 2, President Barco used his executive orders to bring extraditions into effect. As a result, the Colombian government extradited 15 Colombians to the United States. During this time, the Colombian government was not affected by the Medellin cartel monopoly control since it responded with retaliation. On the ground of this, I argue that the Colombian government retaliated against the cartel because the Medellin cartel used direct coercive violence against a presidential candidate and other government officials. On top of that, the United States gave a sufficient amount of international assistance since Barco promised to fight against cartel violence.

In April 1990, Pablo Escobar offered 4,200 dollars for each dead CNP police officer; thus, local killers responded by murdering 42 city police officers in May (De la Torre, 2008). On April 11, 1990, eight members of the Elite Corps died after the explosion of 100 kilos of explosives under the Pandequeso bridge. Unfortunately, eight civilians also lost their lives (El Colombiano). Meanwhile, the Andean Initiative was being implemented in Colombia. The Colombian government was provided economic, military assistance, and law enforcement assistance through INCLE, FMF, IMET, and MAP by receiving 111.07 million dollars. In the first five months of 1990, thirty-eight metric tons of cocaine were seized-surpassing the total for all of 1989. The cost of the offensive is estimated at 1 billion dollars (Committee on Government Operations, 1990). After such violent events from the Medellin cartel, the Colombian government responded with retaliation because the Medellin cartel was using coercive violence against the state by offering 4,200 dollars for each dead CNP police officer, causing the death of 42. Additionally, the international assistance from the United States helped the Colombian government respond with retaliation by extraditing three Colombians to the United States.

However, when President Gaviria took office in late 1990, one of the Ochoa brothers surrendered when the Colombian government under Gaviria promised not to extradite him to the United States, where he was wanted for drug charges. Later that year, Ochoa's younger brother Fabio, also another cartel leader, surrendered. As you can see above in the extradition Figure, seven Colombians were extradited to the United States earlier that year. However, drug leaders like the Ochoa brothers were not extradited after President Gaviria took office. The following year, the new constitution declared an anonymous vote to ban extraditing criminals to the United States. As a result, Escobar, the Medellin Cartel drug lord, surrendered himself to the Colombian authorities with the condition that his imprisonment would be "lenient" and that he would not be

extradited under President Gaviria's Sometimiendo policy which demanded confession of crimes and for criminals to surrender.

Meanwhile, the homicide rate was the highest point in Medellin, with 381 homicides per 100,000 in 1991, including in the past thirteen months, about 350 policemen have been kill by hired sicarios (Farah, 1991). The Colombian government agreed to Escobar's surrender allowing him to live in La Catedral, which was known to be a luxurious mansion. I argue that the Colombian government cooperated by not extraditing these critical members of the Medellin cartel because President Gaviria's goal when he came into office was to reduce cartel violence. To that end, Gaviria's administration was more lenient with drug cartels and cooperated to stop cartel-civil violence and for the key members to surrender. As a result, the Medellin key members agreed to their surrender but under their conditions. At the same time, the Medellin cartel continued to have monopoly control over its territory, which I argue that it also contributed to the Colombian government cooperating with the Medellin cartel with its lenient prosecution laws.

After Escobar's surrender, homicide rates went down fifteen percent; however, it all changed when Escobar brought two of his lieutenants, Fernando Galeano and Gerardo Moncada, to La Catedral for questioning. He suspected they were stealing from him; then, he killed them. After this event, Gavira ordered Escobar to be transferred to a more secure prison. As a result, Escobar escaped from La Catedral, Escobar's escaped humiliated the Colombian government. Unfortunately, the violence reemerged in Medellin. The Medellin cartel continued to kill police forces and launched bombs. For instance, a police officer was on his way home from work and was shot to death (UPI, 1992). The day before, five police officers were shot dead by young men recruited by the Medellin cartel. In December of 1992, a bomb was blasted near the Antansaio

Girardot sports stadium, killing fourteen people, including ten police officers among the dead (Reuters, 1992). The Medellin cartel also began to avenge military cartel boss Brances Munoz who died in a shootout with security forces. After Escobar escaped and there was continuous violence, under U.S. and Colombian police chiefs' pressure, Gavira committed full force retaliation against the Medellin cartel. The Bloque de Busqueda among the DEA agency dedicated their intelligence to finding Escobar that eventually helped to find and killed Escobar in a shootout in December 1993. The Colombian government did have help with Escobar's removal from the Cali cartel and Los PEPES. I argue that the Colombian government's retaliation response was caused by Escobar using violence while he was in La Cathedral because Escobar knew he was losing control of the Medellin cartel's monopoly control. Eventually, Los PEPES (People Persecuted by Pablo Escobar) ambushed the Medellin cartel with the help of the Cali cartel and collaborated with the Colombian authorities against the Medellin cartel, making it to a more competitive control. After Escobar's escape, he continued to use cartel-state violence by killing police officers and kidnapping government officials to negotiate with the Colombian government. However, the Colombian government ignored Escobar's request and continued to retaliate. Additionally, the international assistance given to the Colombian law enforcement by the creation of the Bloque de Busqueda and the assistance given by the DEA gave the Colombian government a better fighting chance against the Medellin cartel resulting in the death of Pablo Escobar.

The Colombian government shifted from retaliation to cooperation or vice versa from 1984 to 1993 when there was cartel violence. From 1984 to 1985, the Colombian government retaliated against the Medellin cartel since cartels used cartel-state violence against important government officials. Unfortunately, this retaliation from the Colombian government leads to

more violence from the Medellin cartel. However, from 1986 to 1987, the Colombian government cooperated with the cartel by releasing and not extraditing Ochoa, and the Supreme Court declaring the extradition treaty unconstitutional. International assistance during these years was low, and the Medellin cartel had monopoly control over the sales of drugs, transit of drugs, and controlled aspect of the population with corruption. I argue that the most influential variables are international assistance for not having sufficient funds to overcome the corruption caused by the Medellin cartel's monopoly control that bribes government officials.

Despite all, from 1988 to 1989, the Colombian government retaliated against the Medellin cartel because of several assassinations of government officials, making cartel-state violence and international assistance the important variables during this period by shifting the government response from cooperation to retaliation; meanwhile, cartel monopoly control stayed the same. From 1990 to 1992, the Colombian government response shifted from retaliation to cooperation. The Medellin cartel continued to enforce cartel violence even after President Gaviria took office. However, Gaviria decided to cooperate with the Medellin cartel with lenient prosecution laws against the cartel members if confessed and surrendered. I argue that Gaviria's administration impacted the Colombian government's response to cartel violence, and the shift from cartel monopoly control to a competitive control began when Escobar got "arrested" in 1991. However, after Escobar escaped, the Colombian government decided not to tolerate the Medellin cartel's coercive violence against the state and ignored Escobar's attempts to negotiate. Instead, Gaviria's government committed itself to total retaliation against the Medellin cartel with the help of international assistance from the United States, which resulted with the Medellin cartel losing monopoly control to a more competitive control that led to the death of Escobar in late 1993.

3.2 Culiacan's Government Response to Cartel Violence

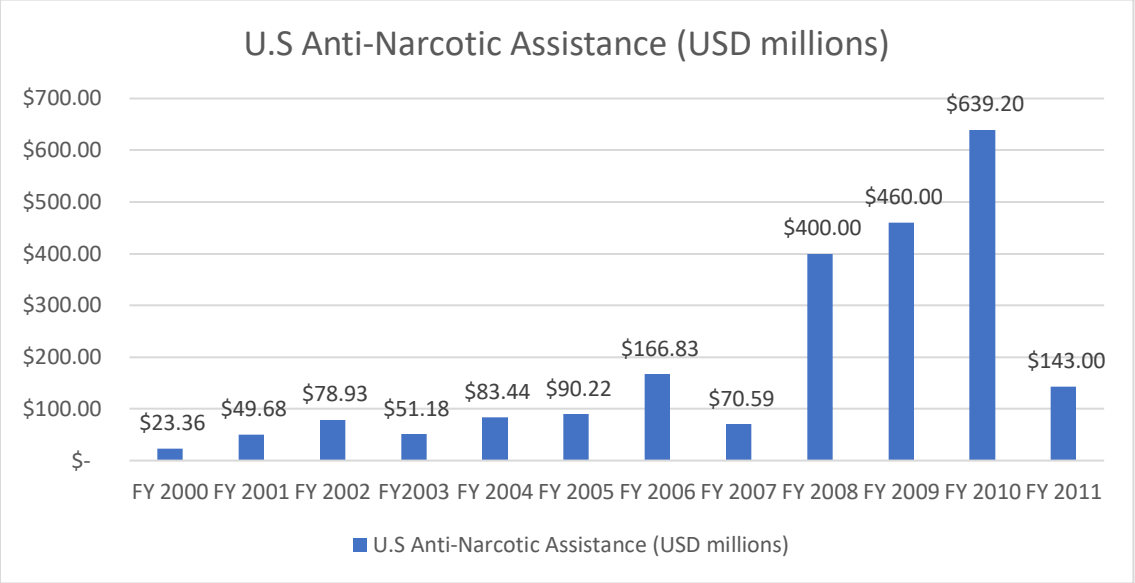

Figure 3 U.S. Anti-Narcotic Assistance to the Mexican government from 2000 to 2007 and Merida Initiative funding estimate FY2008 to FY 2011
Source: U.S. Foreign Aid Greenbook; U.S. Agency for International Development (USAID) budget office, U.S. Department of State

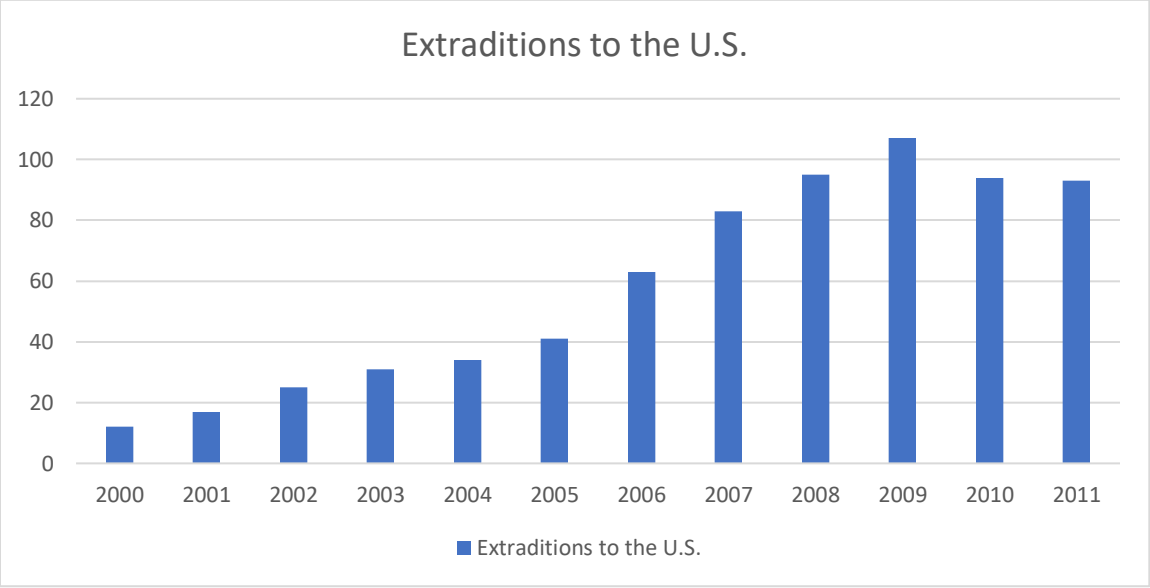

Figure 4 Extraditions from 2000 to 2011
Source: U.S. Department of Justice

In this section of the paper, I analyze Culiacan with the timeframes of 2000 to 2011. I want to see if there is a possible explanation of the Mexican government's response to cartel violence by looking at international assistance, the type of cartel territorial control, and the type of cartel violence. As you can see in Figure 3, the Mexican government received 23.360 million dollars from the United States to support antinarcotic control in 2000. Then, the following year, the Mexican government received 49.685 million dollars, but it received the highest amount of U.S anti-narcotic assistance in 2006 with 166.825 million dollars (USAID).

Since 2000, the funds were used for equipment and training for the Mexican army, mainly to help the Mexican Navy intercept planes and vessels suspected of transporting illicit drugs. However, defense officials said that U.S. efforts to intercept suspected Mexican-flagged vessels are hampered by the lack of a maritime cooperation agreement and, also, that coordination with the Mexican Army, which manually eradicates drug crops (GAO, 2007). Narcotics Affairs Section (NAS) funded the maintenance of the aircraft and sensors and training for sensor operators and image analysts. Part of NAS funding was also used to provide logistical support to contractors, including spare parts.

In the early 2000s, Culiacan did not experience significant cartel-related violence but mostly turf wars between cartels. However, "El Chapo" Guzman escaped from prison in 2001 with the helped of bribed guards. He was able to take monopoly control of his territory from Carrillo Fuentes and Arellano Felix in the mid-2000s (Mira and Curtis, 2003). I argue that the Mexican government cooperated with the Sinaloa cartel by facilitating El Chapo escaping from prison and not extraditing him while he was in prison; additionally, by not taking any action after his escape. During this period, the Mexican government received insufficient international assistance from the United States, leading to inadequate law enforcement performance against

the Sinaloa cartel. Moreover, the monopolization of the Sinaloa cartel over Culiacan and its surroundings controlled the local police making them loyal to the cartel by facilitating "El Chapo" Guzman's escape and his recapture with bribes. During this time, the type of violence was inter-cartel violence because there were disputes between factions of the Sinaloa cartel. As a result, these disputes among cartels did not get the Mexican government's attention to stop it by any means.

Visible violence during this cartel war was uncommon, and the Sinaloa cartel was careful to keep their confrontations under the radar (Duran-Martinez, 2018). In 2002, Ramon Arellano Felix was killed by the Sinaloa Cartel's gunmen and Sinaloa state police (Jordan and Sullivan, 2002). In another shoot-out between sicarios and Rodolfo Arellano Felixs' bodyguards in 2004, one of Rodolfo's bodyguards was injured. The bodyguard turned out to be the ministerial police of State (PME) Pedro Perez Lopez. During his recovery, the governor of Sinaloa gave him paid leave and praised him as an "effective commander." (Al Cimino, 2013). During this period, cooperation between municipal and federal police with cartels was common. I argue that cooperation from the municipal and federal police can be explained by the Sinaloa cartel offering better-paid protection since their salary is meager when there is not enough international assistance given to the Mexican government. Furthermore, it provides significant proof that the Sinaloa cartel began to monopolize its territory; meanwhile, inter-cartel violence occurred, and the state did not take any action to terminate it.

Despite that drug-related violence was not a big concern for the Mexican authorities before 2006, the Mexican authorities under Fox’s administration still began to crack down on drug trafficking because of massive cooperation from lower parts of the Mexican government with cartels. The crackdown began with arresting important members of the drug cartels and

extraditions to the United States. As you can see in Figure 4, extraditions increased from 2000 to 2006. However, in September of 2001, Arturo Guzman Loera, brother of "El Chapo" Guzman, was arrested but later was killed in 2004 by another prisoner named Jose Ramirez Villanueva (Vanguardia). Then, in 2005, Miguel Angel Guzman Loera was detained by special forces of the Mexican Army in Culiacan, Sinaloa (Rosen and Zepeda, 2016). Although the Mexican government was extraditing drug traffickers to the United States, the Mexican government cooperated by not extraditing these important leaders once they were captured. The Mexican government continued not to receive a sufficient amount of international assistance. Furthermore, the Sinaloa cartel had a monopoly over its territory, making it easier to protect important leaders.

After President Calderon took office, he declared war on drugs. Just ten days after taking office, President Calderón deployed 6,784 soldiers, 1,054 Marines, 1,420 federal police officers, and 50 detectives in Michoacán (Grayson, 2010). President Calderón declared "a war on drugs" that continued during his administration and spread from Michoacán to at least seven other states and regions: Chihuahua, the Isthmus region (southern border of Mexico), Guerrero, Baja California, Sinaloa, Nuevo León-Tamaulipas, and the Golden Triangle (parts of Chihuahua, Sinaloa, and Durango). As a result, violence began to emerge at different levels in other states and cities have not experienced before; however, that was not the case for Culiacan. Culiacan reached its highest rate of 18.48 per 100,000 homicides in 2001, but it remained lower than 18.48 per 1000,000 homicides between 2000 to 2007 (SNSP).

After a year of Felipe Calderon being in office, the Merida Initiative was signed between Felipe Calderon and George W. Bush in December of 2007. The initiative led to an increase in U.S. financial support to Mexico in resources to combat drug trafficking. It included resources to

help train police officers, improvements in the security institutions that combat narcotics, and renovate the judiciary system in Mexico (Rosen and Zepeda, 2016). However, the Merida Initiative would not start until 2008. The U.S. provided 1.6 billion dollars to all the programs and activities under the Merida Initiative. I argue that the United States provided support to the Mexican government when Calderon took office since he declared war on drugs. The United States saw the opportunity to collaborate with the Mexican authorities.

Calderon's crackdown causes kingpins like "El Chapo" and Ismael to lose billions of dollars and to make them fight over their plaza payments. As a result, Joaquin Guzman and Ismael Zambada fought in Culiacan, Sinaloa, against their longtime friend and ally "the Beard" Beltran Leyva. The turf war in Culiacan began in 2008, with cartel-related violence skyrocketing with 1,084 homicides. At the time of the turf war, El Chapo Guzman had an alliance with federal officials to take over all of Mexico's trafficking supported by federal troops. Not to mention, El Chapo is known to have helped with the arrest of his enemies, for example, the brother of Alfredo Beltran Leyva, who was arrested in January of 2008 in Culiacan. The Mexican government's "Operation Clean House," i.e., an operation to find corruption among government officials, helped discover several federal police officials cooperating with the Sinaloa Cartel. President Felipe Calderon acknowledged that corruption among federal police and soldiers was a significant problem in Mexico, along with drug trafficking (Associated Press, 2008). The Mexican government retaliated against Levya's (ABL cartel) faction; however, the Mexican government, with the help of international assistance, discovered that federal officials were cooperating with the Sinaloa cartel.

As shown in Figure 3, under the Merida Initiative, the Mexican government received 400 million dollars from the ESF, FMF, and INCLE in 2008. President Calderon, with the resources

provided by the U.S. anti-narcotic assistance, conducted several operations against cartels. On April 30th, 2008, a battle emerged in an upper-class neighborhood in Culiacan between state police and sicarios. Soon after the battle, two members of the state judicial police were declared dead. As a response, the Mexican federal government implemented the joint military-police Operation Culiacan-Navolato in response to these violent incidents in Culiacan. This operation mobilized 2,723 armed personnel, including soldiers, federal police, marines, and the attorney's general police (Duran-Martinez, 2015). By the end of May, this mobilization caused a major violent event in Culiacan between the federal police and sicarios. The federal police were preparing to search a house when the shooting broke out, in which a suspected hitman was killed and two were arrested (Expansion, 2008). I classify this action as retaliation by the Mexican government because they sent out the military to Culiacan once these violent events arose. The Mexican government had received a sufficient amount of international assistance from the United States, and there was cartel-state violence while these violent events took place. Additionally, I must also consider that the change in administration from Fox to Calderon impacted the Mexican government's response with retaliation. Therefore, Calderon's repression against drug cartels affected cartel violence throughout Mexico, making this an ongoing cycle.

In 2009, the Mexican government received 460 million dollars from the FMF, ESF, and INCLE. The following year, Mexico received 639 million dollars which was the highest amount received from the U.S. However, in 2011, it began to decrease, with the Mexican government receiving 143 million dollars from FMF, ESF, and the INCLE. In 2009, the son of Ismael Zambada, Vicente Zambada Niebla is captured by the Mexican Military, then he was extradited to the United States in 2010 (El Universal, 2009). Then, in December of 2009, Marcos Arturo Beltran-Leyva, who was the leader of ABL, was killed in a Government of Mexico operation

intended to capture him; he was known to be one of the most violent members of the organization (U.S. Department of State). A year later, Carlos Beltran Leyva, Arturor's brother was arrested in Culiacan by the Federal Police (El Universal, 2010). When the violence peaked in 2009 with 1059 and 2010 with 1815, the least disturbed organization appeared to be the Sinaloa Cartel, whose foremost leaders Guzmán and Zambada remained large and still in charge. The apparent triumph of the Sinaloa's gave rise to speculation that this organization was better protected than its rivals by corrupting government authorities (Burnett, Menaloza and Benincasa 2010). I argue that the Sinaloa cartel had disputes within its faction, forcing important cartel members to create their own organizations and declare war on the Sinaloa cartel, resulting in the Sinaloa cartel losing cartel monopoly control from 2000 to 2004 and after Calderon took office in 2008. However, after enough international assistance given by the United States, the Mexican government retaliated by extraditing 107 drug traffickers, assassinating, and capturing significant ABL cartel and Sinaloa cartel leaders. Additionally, cartel-state violence used by the cartel was against the Mexican government's military, making the Mexican government retaliate even more against the cartels. Nevertheless, the Sinaloa cartel under Guzman and Zambada continued to have monopoly control once the critical leaders of the ABL cartel were removed even though the Mexican government retaliated more intensely towards the cartel than during Calderon's presidency than Fox's.

4 DISCUSSION AND RESULTS: MEDELLIN AND CULIACAN

In this section of the paper, I will discuss the results of the case study of Medellin and Culiacan. I examine each of the three possible explanations of government response in Medellin

and Culiacan. I will explore the possibilities of international assistance, type of cartel territorial control, and type of cartel violence to have an interactive and cyclical nature with either cooperation or retaliation. At the end of this section, I will compare Medellin and Culiacan by applying the above variables and pointing out their interactions.

Type of Cartel Territorial Control and Government Response

In this part of the paper, I will apply hypothesis 1 to my cases: Medellin and Culiacan. My first hypothesis states that when there is cartel monopoly control, governments respond with cooperation. I will trace the interaction between the type of cartel territorial control and governments' response to cartel violence with either cooperation or retaliation.

To begin with, the Medellin cartel had significant monopoly control from the late 1970s until the early 1990s. In the timeframes that I observed from 1984 to 1991, the Medellin cartel held monopolization until Escobar's arrest in 1991. In 1984, the Medellin cartel assassinated the Minister of Justice Rodrigo Lara Bonilla; thus, the Colombian government retaliated against the Medellin cartel by implementing extradition treaties with the United States even though the Medellin cartel had monopoly control. The following year, the Medellin cartel continued to carry out acts of violence, such as the assassination of a Superior Court Judge. The Colombian responded with retaliation by extraditing five Colombians to the United States; meanwhile, the Medellin continued to have monopoly control. In 1988, the Medellin cartel via the Extradibles assassinated Attorney General Carlos Mauro Hoyos. Subsequently, the Colombian government responded with retaliation by destroying two large cocaine processing complexes and a dozen smaller ones. In 1989, the Medellin Cartel carried out several manifestations of violence against

the Colombian government by assassinating Governor Antonio Roldan Bentacur, Judge Maria Elena, presidential candidate Luis Carlos Galan, then later exploded a bomb on a commercial airplane to murder his replacement, killing all those aboard. The Colombian government responded with massive retaliation by destroying all airplane landings that were not registered with the government and brought extraditions into effect; going on, the Medellin cartel still had monopoly control. Therefore, Hypothesis 1 was not accurate when the Medellin cartel monopoly control from 1984 to 1985 and 1988 to 1989.

In 1986, the Medellin cartel assassinated Guillermo Cano (the editor-in-chief of El Espectador); instead of the Colombian government retaliating against the Medellin cartel, it cooperated to cartel violence by releasing and not extraditing Jorge Luis Ochoa, one of the key founding members of the Medellin Cartel when the Medellin cartel held cartel monopoly control. The following year of 1987, the Colombian government cooperated again by ruling the extradition treaty unconstitutional despite President Barco's signature and releasing Ochoa after his recapture in November that year; meanwhile, the Medellin held cartel monopoly control. In 1990, Pablo Escobar offered incentives for local killers to murder police officers resulting in the death of 42 police officers in one month. However, later that year, when Gaviria took office, he cooperated with the Ochoa brothers by negotiating their surrender without extraditions. The Medellin cartel continued to have monopoly control while these negotiations occurred. From 1991 to 1993, the Medellin cartel began to lose monopoly control after Escobar "surrendered" to La Cathedral, which inclined the Colombian government to retaliate against the Medellin cartel once it began to have a more competitive control by collaborating with the DEA and unifying the Bloque de Busqueda that located intelligence to find Escobar. Hence, hypothesis 1 did sustain

accuracy when the Medellin cartel monopoly controlled from 1986 to 1987 and 1990 to 1991 and began to lose monopoly control to a more competitive control from 1992 to 1993.

On the other hand, the Sinaloa cartel did not have monopoly control before the mid-2000s. In the early 2000s, Culiacan did not experience significant cartel-related violence but mostly turf wars between cartels. However, the Mexican government cooperated by facilitating El Chapo escaping from prison and not extraditing him while he was in prison; additionally, it did not take any action against the cartel after his escape. Additionally, during turf wars between Arellano Felix and the Sinaloa cartel, the Sinaloa state, and ministerial police cooperated with the Sinaloa cartel by protecting them against the Arellano Felix organization. On this account, hypothesis 1 was inaccurate when Culiacan had competitive cartel control from 2000 to 2004.

In the mid-2000s, “El Chapo” Guzman was able to take monopoly control from Carrillo Fuentes and Arellano Felix organizations. By the same token, after the capture of Miguel Angel Guzman Loera, an influential Sinaloa cartel leader in Culiacan, the Mexican government cooperated by not extraditing this important leader once he was captured. In 2008, the Sinaloa cartel began to lose monopoly control to a more competitive control when Calderon's crackdown caused "El Chapo" and Ismael to lose billions of dollars and to make them fight over their plaza payments. As a result, Joaquin Guzman and Ismael Zambada fought in Culiacan, Sinaloa, against their longtime friend and ally "the Beard" Beltran Leyva. The turf war in Culiacan began in 2008, with cartel-related violence skyrocketing with 1,084 homicides. The Mexican government's "Operation Clean House," i.e., an operation to find corruption among government officials, helped discover several federal police officials cooperating with the Sinaloa Cartel. The Mexican government retaliated against Levya's (ABL cartel) faction by mobilizing armed personnel, including soldiers, federal police, marines, and the attorney's general police (Duran-

Martinez, 2015). By the end of May, this mobilization caused a major violent event in Culiacan between the federal police and sicarios. The federal police were preparing to search a house when the shooting broke out, in which a suspected hitman was also killed, with two more were arrested. After the defeat of the ABL cartel in 2009, the Sinaloa cartel held monopoly control once again; thus, the Mexican government cooperated to cartel violence by failing to take any action to stop it. Nevertheless, hypothesis 1 was accurate when the Sinaloa cartel held monopoly control from 2005 to 2007 and 2009 to 2011, and when there was competitive cartel control, hypothesis 1 was accurate in 2008. As a result, after looking at each case, my overall assessment of the accuracy on hypothesis 1 is that it was accurate in Medellin and Culiacan.

Type of Cartel Violence and Government Response

In this part of the paper, I will apply hypothesis 2 to my cases: Medellin and Culiacan. My second hypothesis states that when cartels use direct coercive violence against the state, governments are most likely to respond with retaliation against cartels. I will use the same approach as above by tracing the interaction between the type of cartel violence and government response with either cooperation or retaliation.

Violence in Medellin arose from the early 1980s to the early 1990s. After the assassination of Minister Justice Rodrigo Lara Bonilla by the Medellin cartel in 1984, the Colombian government responded with retaliation by enforcing extradition treaties. I argue that the cartel-state violence explanation clarifies the Colombian government's response during this year. The Colombian government responded with retaliation towards the cartel because the cartel used direct coercive violence against the state. The violence used was against the Minister of

Justice of Colombia, an important leader responsible for the law and justice for the national executive ministry of the government of Colombia. The following two years, the Medellin cartel continued to carry out cartel-state violence with the assassination of government officials and judges.

Consequently, the Colombian government continued to retaliate with the extradition treaties of drug traffickers. From 1988 to 1989, there were multiple assassinations of an important political leader, a governor, an attorney general, and a judge by the Medellin cartel; because of that, the Colombian government retaliated against the cartel because the Medellin cartel used direct coercive violence against a presidential candidate and other government officials. From 1992 to 1993, after Escobar escaped, the Medellin cartel carried out multiple forms of coercive violence against the Colombian government by killing police officers and kidnapping government officials to negotiate with the Colombian government. However, the Colombian government did not tolerate the Medellin cartel violence and decided to retaliate against the Medellin cartel with the United States' help using the DEA and the Busque de Busqueda. Therefore, hypothesis 2 was accurate when cartel-state violence, i.e., direct coercive violence against the state from 1984 to 1989 and 1992 to 1993.

In 1990, Pablo Escobar offered incentives for local killers to murder police officers resulting in the death of 42 police officers in one month. The Colombian government responded with cooperation when President Gavira introduced "lenient" prosecution laws against cartels. Therefore, the Colombian government cooperated by negotiating with the Ocha brothers when there was cartel-state violence. In 1991, the homicide rate was the highest point in Medellin, with 381 homicides per 100,000, including in the past thirteen months, about 350 policemen have been kill by hired sicarios. Although there was cartel-state violence, the Colombian government

cooperated by agreeing to Escobar's surrender and allowing him to live in La Catedral, which was known to be a luxurious mansion. On the ground of this, hypothesis 2 was inaccurate when there is cartel-civil violence and cartel-state violence from 1990 to 1991.

Violence in Culiacan was at low rates between 2000 to 2007; however, the homicide rates increased between 2008 to 2011. The Mexican government responded with cooperation when there was inter-cartel violence and cartel-civil violence. In the early 2000s, Culiacan did not experience significant cartel-related violence but mostly turf wars between cartels. However, "El Chapo" Guzman escaped from prison in 2001 with the helped of bribed guards. Therefore, the Mexican government cooperated with the Sinaloa cartel by facilitating El Chapo escaping from prison and not extraditing him while he was in prison; additionally, not taking any action after his escape.

On the other hand, it responded with retaliation when there was cartel-state violence. For instance, On April 30th, 2008, a battle emerged in an upper-class neighborhood in Culiacan between state police and sicarios. Soon after the battle, two members of the state judicial police were declared dead. As a response, the Mexican federal government implemented the joint military-police Operation Culiacan-Navolato in response to several violent incidents in Culiacan. This operation mobilized armed personnel, including soldiers, federal police, marines, and the attorney's general police. By the end of May, this mobilization caused a major violent event in Culiacan between the federal police and sicarios. The federal police were preparing to search a house when the shooting broke out, in which a suspected hitman was also killed, with two more were arrested. Correspondingly, the Mexican government retaliated because they sent out the military to Culiacan once these violent events arose when there was cartel-state violence. Therefore, hypothesis 2 was accurate when there was inter-cartel violence and cartel-civil

violence between 2000 to 2011. Therefore, my overall assessment of the accuracy of hypothesis 2 after analyzing each case is that it was accurate in Culiacan and Medellin.

International Assistance and Government Response

In this part of the paper, I applied hypothesis 3 to my cases: Medellin and Culiacan. My third hypothesis states that when there is sufficient international assistance, governments respond with retaliation against cartels because of adequate counternarcotic funds and resources in law enforcement. I will apply hypothesis 3 to Medellin first and then Culiacan. I process traced the interaction between international assistance and government response with either cooperation or retaliation.

Medellin did not have sufficient international assistance in the late 1980s; however, by the early 1990s, the Andean Strategy Plan was implemented in Colombia to combat drug cartels. From 1984-85, the Medellin cartel had cartel violence against the state, such as assassinations of important government officials. Consequently, the Colombian government retaliated by enforcing extradition treaties with the United States; not to mention, the Colombian government received around 40 million dollars during these two years. From 1988-89, the Medellin Cartel carried out several manifestations of violence against the government. Firstly, the murder of Colombian Attorney General Carlos Mauro Hoyos was claimed by the Extraditables. Afterward, the Medellin Cartel killed Governor Antonio Roldan Bentacur on his way to a speech. Then, they killed Judge Maria Elena, who refused to take brides throughout her career. Later in 1989, they killed the presidential candidate Luis Carlos Galan when he demonstrated his campaign. They later exploded a bomb on a commercial airplane to murder his replacement, killing all those

aboard. Henceforth, the Colombian government responded with retaliation by renewing extradition efforts and collaborating with the United States by implementing the Andean Strategy Plan and receiving over 70 million dollars within those two years. From 1992 to 1993, cartel violence reemerged by bombs being blasted, kidnappings of government officials, and police assassinations. Taking that into account, the Colombian government retaliated against the Medellin cartel with the international assistance given to the Colombian law enforcement by the creation of the Bloque de Busqueda, and the assistance given by the DEA gave the Colombian government a better fighting chance against the Medellin cartel resulting in the death of Pablo Escobar. Consequently, hypothesis 3 is accurate from 1984-85 with an overall medium level of international assistance and 1988-89 and 1992-93 with an overall high level of international assistance resulting in the Colombian government retaliating during those periods.

After the Medellin cartel assassinated Guillermo Cano Isaza, the editor-in-chief of El Espectador, the Colombian government cooperated by not taking any action against the cartel. Additionally, the following year, Jorge Luis Ochoa, one of the key founding members of the Medellin Cartel, had recently been extradited from Spain to Colombia, and the United States wanted him extradited. The Colombian government cooperated with releasing and not extraditing Jorge Luis Ochoa. From 1986 to 1987, the Colombian government received a low amount of international assistance. In 1990-91, the Medellin cartel provided monetary incentives to local killers resulting in the death of many police officers; additionally, after receiving a medium level of international assistance, the Colombian government should have retaliated against the cartel. However, the Colombian government cooperated when President Gaviria began implementing his "lenient" prosecution laws under the Sometimiendo policy, eventually leading for multiple vital leaders of the Medellin cartel to surrender without extraditing them to

the United States. Hypothesis 3 was not accurate from 1986-87 with a low level of international assistance and 1990-1991 with a medium level of international assistance resulting in the Colombian government to respond with cooperation instead of retaliation.

Culiacan did not receive sufficient international assistance before 2007 until the Merida Initiative was implemented. After a shooting broke out between the federal police and sicarios, two state judicial police were declared dead; thus, the Mexican federal government implemented the joint military-police Operation Culiacan-Navolato in response. Fortunately, the Mexican government had received a high level of international assistance from 2008 to 2009, which help with the mobilization of 2,723 armed personnel, including soldiers, federal police, marines, and the attorney's general police. This mobilization contributed to the capture and assassination of cartel members of the ABL cartel. Therefore, hypothesis 3 is accurate in 2008-11 with the Mexican government's overall high level of international assistance responding with retaliation during those periods.

In the early 2000s, the Mexican government cooperated with the Sinaloa cartel by facilitating El Chapo escaping from prison and not extraditing him while he was in prison; additionally, by not taking any action after his escape. During this period, the Mexican government received a medium level of international assistance from the United States, but it still led to inadequate law enforcement performance against the Sinaloa cartel. Meanwhile, there was a turf war between "El Chapo" Guzman and the Carrillo Fuentes and Arellano Felix; the Sinaloa state police cooperated with the Sinaloa cartel by providing them with protection against the other cartels. For that reason, hypothesis 3 was not sufficiently accurate from 2000-01 with an overall medium level of international assistance, causing the government to cooperate with cartels. However, from 2002-07, the Mexican government's level of international assistance was

high; thus, the Mexican government responded with cooperation when there was high international assistance instead of retaliating against the Sinaloa cartel. Henceforth, international assistance did not sufficiently explain Colombia's government response as it did for Culiacan. Therefore, after looking at each case, my overall assessment of hypothesis 3 is accurate in Culiacan but not for Medellin.

Medellin and Culiacan

In this part of the paper, I analyzed Medellin and Culiacan on my independent variables to differentiate the outcome of my dependent variables in both cities. Medellin and Culiacan's government response can be possibly explained by the type of cartel violence used by the cartel. For instance, Colombia's government responded with retaliation when the cartels used direct coercive violence against the state. Similarly, Mexico's government responded with cooperation when the cartels used coercive violence against civilians or retaliated when coercive violence was used against the state. Therefore, hypothesis 2 can be a possible explanation for both Medellin and Culiacan's government response. By contrast, hypothesis 3 has a more substantial effect on Culiacan than Medellin. Unfortunately, international assistance did not significantly impact Medellin, whereas hypothesis 2 and hypothesis 1 influenced how the government responded. Nevertheless, hypothesis 2 had a more substantial effect on Culiacan and Medellin than hypothesis 1 and hypothesis 3. However, I must acknowledge that there was an interactive and cycle relationship among these variables. For instance, in Mexico, when President Calderon took office in 2006, repression against cartels was his priority. As a result, cartel violence and

international assistance increased, which eventually led the Sinaloa cartel to lose monopoly control to a competitive control within cartels to more government retaliation.

Overall, the outcome of these two cities can help explain a possible explanation of why governments respond with either cooperation or retaliation depending on the type of cartel violence used by cartels and the type of cartel territorial control, or the level of international assistance. Initially, I argued that international assistance significantly affected the government's response; however, I was incorrect. Medellin and Culiacan can confirm the type of cartel violence, and the type of cartel territorial control has the most potent effect on how governments respond to cartel violence than international assistance as these variables interact with each other.

5 CONCLUSION

In brief, I hope the study conducted above can help contribute to the literature on drug cartel violence and state response by providing evidence of interactions among the type of cartel violence, the type of cartel territorial control, international assistance with government response to cartel violence. I found that the type of cartel violence impacted governments' response more than the type of cartel territorial control and international assistance; additionally, how the cycle of nature among these variables can explain how they interact with each other. For instance, when a new government emerges with repression against a cartel, it leads to more cartel violence to more government retaliation to cartels to lose monopoly control. Nevertheless, the case study of Medellin and Culiacan can help explore or generate a new theory by looking into the variation of different outcomes of government responses. Future research should contribute to the literature by looking into other cases, whether they have similar explanations as to the

Colombian and Mexican governments, to see if there's variation in cooperation or retaliation against drug cartels. Additionally, scholars can explore other possible explanations that affect government response, such as presidency transitions.

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CARTEL CAR BOMBINGS IN MEXICO

Robert J. Bunker
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August 2013

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FOREWORD

Improvised explosive devices and car bombs have long been identified as threats to U.S. Army personnel deployed in Iraq and Afghanistan. They have gained considerable attention and notoriety, even infamy, among our troops, who have had to learn the appropriate responses and countermeasures to contend with the fielding of these systems against them. Far less recognized is the fact that a similar threat—embodied in car bombs—has emerged much closer to our homeland within Mexico. Since mid-2010, cartel car bombings have taken place in a country on our southern border and have been targeted against both the forces of opposing cartels and those belonging to Mexican military and law enforcement agencies.

With the election of the new presidential Institutional Revolutionary Party (PRI) administration in July 2012, these car bombings have ceased altogether after rapidly escalating in their levels of employment. Whether this was a response to the expected shift in countercartel policies from the National Action Party (PAN) to the PRI administration that began in December 2012, simply a "strategic pause" of some sort, or an outcome of another casual factor is unknown. What is important is that the use of car bombs in Mexico by the cartels has the potential to threaten U.S. agents, facilities, and interests in that nation and could also conceivably spread to our border cities—though this would appear to be a very unlikely possibility based on the use of car bomb trends and analysis presented in this Paper.

The authors of this Letort Paper, Dr. Robert Bunker and John Sullivan, draw upon their wealth of knowledge and expertise pertaining to the Mexican

cartels and organized crime and, interestingly, is derived from their long-standing counterterrorism backgrounds with regard to suicide bombing and active aggressor response. Furthermore, they are able to look at the context in which cartel car bombings are taking place in Mexico from both military (counterinsurgency) and policing (counter high intensity crime) perspectives. As a result, this Paper is useful and important not only for U.S. Army interests and concerns—including that of domestic force protection implications—but also because of its analytical implications concerning interpreting indications and warnings events that develop actionable strategic intelligence requirements.

The Strategic Studies Institute hopes the findings and recommendations provided in this manuscript will be of interest to the broader U.S strategic community and the U.S. Army organizations engaged in providing support to the various agencies and commands belonging to the federal government of the Mexican state.

DOUGLAS C. LOVELACE, JR.
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(Routledge, 2012); *Narcos Over the Border: Gangs, Cartels and Mercenaries* (Routledge, 2011); *Criminal-States and Criminal-Soldiers* (Routledge, 2008); *Networks, Terrorism and Global Insurgency* (Routledge, 2005); and *Non-State Threats and Future Wars* (Routledge, 2002). Dr. Bunker holds university degrees in political science, government, social science, anthropology-geography, behavioral science, and history.

JOHN P. SULLIVAN is a career police officer. He currently serves as a lieutenant with the Los Angeles Sheriff's Department. He is also an Adjunct Researcher at the Vortex Foundation; Senior Research Fellow at the Center for Advanced Studies on Terrorism; Senior Fellow at the Stephenson Disaster Management Institute, Louisiana State University; and Senior Fellow at *Small Wars Journal-El Centro*. Mr. Sullivan is co-editor of *Countering Terrorism and WMD: Creating a Global Counter-Terrorism Network* (Routledge, 2006), and *Global Biosecurity: Threats and Responses* (Routledge, 2010). He is co-author of *Mexico's Criminal Insurgency: A Small Wars Journal-El Centro Anthology* (iUniverse, 2012). His current research focus is the impact of transnational organized crime on sovereignty in Mexico and other countries. Mr. Sullivan holds a bachelor of arts in government from the College of William and Mary and a master of arts in urban affairs and policy analysis from the New School for Social Research (Milano School).

Note: Both authors have benefited from past involvement with a multiyear suicide bomber research project for a national law enforcement center focusing on terrorist group use patterns, an initial study of the first year of suicide bombings that took place during Operation IRAQI FREEDOM, and training

and exercises involving improvised explosive devices and car bomb threats in the Los Angeles County operational area.

SUMMARY

Contemporary Mexican cartel use of car bombs began in mid-July 2010, and their use has since escalated. Not only was their significance downplayed by the administration of former Mexican president Felipe Calderón, but they were basically ignored in the September 2010 State of the Nation Report (*informe*). As one co-author has noted, the July 15, 2010, Ciudad Juárez car bombing represents a firebreak in terms of "an apparently significant acceleration of tactics, techniques, and procedures (TTP)" for Mexican cartel violence. Given the escalatory nature of these bombings to the conflict taking place in Mexico, and indeed the close proximity of them to the United States—some literally within miles of the border—they should be of at least some interest to local, state, and federal U.S. law enforcement and, ultimately, to the U.S. Army and other governmental institutions, which are increasingly providing support to Mexican federal agencies.

With this in mind, this Paper first seeks to provide an historical overview and analysis of cartel car bomb use in Mexico. In doing so, it provides context, insights, and lessons learned stemming from the Medellin and Cali cartel car bombing campaigns that plagued Colombia, primarily between 1988 and 1993. It then discusses the initial cartel car bombings that took place in Mexico in the early 1990s—car bombings that most researchers have overlooked—before highlighting indications and warnings (I&W) events identified in the years prior to the resumption of Mexican cartel car bombings in mid-2010. Contemporary car bombings in Mexico from mid-2010 through much of 2012 will then be discussed and analyzed. Second, this Paper capitalizes on the historical overview and

analysis provided—from both the Mexican and earlier Colombian experiences—in order to generate insights into future cartel car bombing potentials in Mexico. The identification of such potentials, in one sense, offers us a glimpse into cartel "enemy intent"—a possible form of actionable strategic intelligence.

An analysis of car bombing incidents in Mexico, with about 20 incidents identified over the last 2 1/2 years, is then provided. Both primary and secondary use patterns are discussed, along with future car bombing potentials in Mexico and the United States. For Mexico, steady, and both slowly increasing and quickly increasing car bomb use trajectories may exist. The prognosis for decreasing car bomb deployment currently appears unlikely. On the other hand, car cartel bomb use, at least on U.S. soil and directed at U.S. governmental personnel operating in Mexico, is presently far from a likely potential. If cartel car bombs were to be eventually deployed on U.S. soil or against U.S. personnel and facilities in Mexico, such as our consulates, we could expect that a pattern of I&W would be evident prior to such an attack or attacks. In that case, I&W would be drawn from precursor events such as grenade and improvised explosive device (IED) attacks (or attempted attacks) on our personnel and facilities and on evolving cartel car bomb deployment patterns in Mexico, especially concerning increases in tactical lethality and a shift toward anti-infrastructure targeting.

The authors of this monograph conclude with initial recommendations for U.S. Army and defense community support to a) the military and the federal, state, and local police agencies of the Mexican state; and b) the various U.S. federal, state, and local police agencies operating near the U.S.-Mexican border. Four the-

matic areas—intelligence, organization, training, and equipment—are highlighted, and the extent of these forms of support that may be provided should be situationally derived to counter cartel vehicle-borne IEDs and overall cartel threats. Additionally, a reappraisal of the Posse Comitatus Act of 1878—enacted in a far different domestic security environment bereft of armed and organized nonstate threat entities able to challenge states—is said to be required if we are to lift some legal restrictions on U.S. military support to U.S. law enforcement agencies.

Further, the authors see the challenges posed by cartel *sicarios* (gunman; essentially nonstate soldiers) to be a hemispheric security challenge. In addition to internal U.S. military efforts and U.S. support to Mexican military (both the Mexican Secretariat of National Defense [SEDENA] and the Mexican Secretariat of the Navy [SEMAR]) and law enforcement (at all levels: federal, state, and municipal), support should also be extended to Central American states facing cartel and gang challenges. Ultimately, they contend that a comprehensive U.S. Northern Command (USNORTHCOM) strategy should be developed in coordination with the Mexican government that integrates all elements of national power to mitigate and counter Mexican cartel use of car bombs and other forms of violence and corruption, manifesting themselves in Mexico and increasingly in the United States. To best serve U.S. national interests, however, this comprehensive strategy should also be integrated with the U.S. Southern Command (USSOUTHCOM) to create a Western Hemispheric strategy to combat gang, cartel, and other criminal insurgent threats to the Americas.

GLOSSARY

AfPak	Afghanistan-Pakistan
ARNORTH	U.S. Army North
C-4	Composition C (Plastic Explosive)
CBRNE	Chemical, Biological, Radiological, Nuclear, or Explosive
CISEN	Center for Research and National Security (*Centro de Investigación y Seguridad Nacional*)
COIN	Counterinsurgency
COTS	Commercial Off-The-Shelf
DAS	Administrative Department of Security (*Departamento Administradora de Seguridad en Proceso de Supresión*)
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DIME	Diplomatic, Intelligence, Military, and Economic
DIME-P	Diplomatic, Intelligence, Military, Economic and Police
EMS	Emergency Medical Services
EOD	Explosive Ordnance Disposal
FARP	Armed Revolutionary Front of the People (*Fuerzas Armadas Revolucionarias del Pueblo*)
FBI	Federal Bureau of Investigation
FMSO	Foreign Military Studies Office
FY	Fiscal Year

GTD	Global Terrorism Database
IAB	InterAgency Board
I&W	Indications & Warnings
IED	Improvised Explosive Device
JIEDDO	Joint IED Defeat Organization
LAHIDTA	Los Angeles High Intensity Drug Trafficking Area
LAW	Light Anti-tank Weapon
LVB	Large Vehicle Bomb
MACTAC	Multi-Assault Counter-Terrorism Action Capabilities
MTT	Mobile Training Team
NGIC	National Ground Intelligence Center
OODA	Observe, Orient, Decide, and Act
OPFOR	Opposition Force
OPSEC	Operational Security
OSINT	Open Source Intelligence
UXO	Unexploded Ordnance
PAN	National Action Party (*Partido Acción Nacional*)
PGR	Office of the General Prosecutor (*Procuraduría General de la República*)
PRI	Institutional Revolutionary Party (*Partido Revolucionario Institucional*)
RAND	Research and Development
RDWTI	RAND Database of Worldwide Terrorism Incidents
RPG	Rocket Propelled Grenade
SEDENA	Secretariat of National Defense (*Secretaría de la Defensa Nacional*)

SEMAR	Naval Secretariat (*Secretaría de Marina)*
SMEE	Subject Matter Expert Exchanges
SWAT	Special Weapons and Tactics
TRADOC	Training and Doctrine Command
TTP	Tactics, Techniques, and/or Procedures
USAISC	U.S. Army Intelligence and Security Command
USNORTHCOM	U.S. Northern Command
USSOUTHCOM	U.S. Southern Command
VBIED	Vehicle Borne Improvised Explosive Device

CARTEL CAR BOMBINGS IN MEXICO

In early September 2010, President Felipe Calderón delivered a relatively upbeat annual State of the Nation Report (*informe*) concerning the nearly 4-year long war being waged across Mexico against the narco gangs, cartels, and mercenaries.[1] Simply put, the crackdown on organized crime was said to be working. Examples of success included killing and capturing about two dozen drug kingpins and firing about 3,200 Federal police officers—about 9 percent of the total force—in an effort to root out corruption and raise professional standards. Additionally, 34,515 people were arrested for suspected narcotics links, and over 34,000 weapons and $2.5 billion (street value) in drugs were seized over the previous year.[2] While part of the upbeat tone of the appraisal may represent actual "narco war" achievements, it must be tempered with the knowledge that Calderón has to maintain an optimistic political façade and continually sell his policies to the Mexican people. His *Partido Acción Nacional* (National Action Party [PAN]) may very likely lose the 2012 elections, including that for the presidency, to the more traditionally dominant *Partido Revolucionario Institucional* (Institutional Revolutionary Party [PRI]). Political expediency thus dictates that no communiqués will be issued that do not follow the "We are on the path of success" PAN party line.[3]

It would be expected, then, that the specter of the escalating Mexican cartel use of car bombs since mid-July 2010, for example, would be ignored in the *informe*. Within the executive summary of the report, specifically in the State of Law and Security section, this is what has happened—with no mention of the narco car bombs (*coche-bombas*) given at all.[4] Such

bombings, the even more recent mass atrocity inflicted upon 72 migrants in Tamaulipas, and the multiple incidents of bodies hanging from bridges—sans genitals, index fingers, and heads in one instance, and arms in another—do not make for eloquent and polite Mexican political discourse.[5] Still, car bombings now represent a new reality for Mexico, part of the widening "narco nightmare" of violence, corruption, and criminal insurgency that is threatening the integrity and sovereignty of expanses of that country. Such bombings have amazed many researchers, not because they have taken place but because they took so long to finally come about. Car bombings in Mexico cannot be wished away or ignored and may now only be expected to continue, albeit hopefully in an intermittent and discriminant manner, into the foreseeable future.

As one co-author has noted, the July 15, 2010, Ciudad Juárez car bombing represents a firebreak in terms of "an apparently significant acceleration of tactics, techniques, and procedures (TTP)" for Mexican cartel violence.[6] Given the escalatory nature of these bombings to the conflict taking place in Mexico, and indeed the close proximity of them to the United States—some literally within miles of the border—they should be of at least some interest to local, state, and federal U.S. law enforcement and, ultimately, to the U.S. Army and other governmental institutions, which are increasingly providing support to Mexican federal agencies.

With this in mind, this Paper first seeks to provide an historical overview and analysis of cartel car bomb use in Mexico. In doing so, it provides context, insights, and lessons learned stemming from the Medellin and Cali cartel car bombing campaigns that

plagued Colombia, primarily between 1988 and 1993. It then discusses the initial cartel car bombings that took place in Mexico in the early 1990s—car bombings that most researchers have overlooked—before highlighting indications and warnings (I&W) events identified in the years prior to the resumption of Mexican cartel car bombings in mid-2010. Contemporary car bombings in Mexico from mid-2010 through much of 2012 will then be discussed and analyzed.

Second, this Paper capitalizes on the historical overview and analysis provided from both the Mexican and earlier Colombian experiences in order to generate insights into future cartel car bombing potentials in Mexico. The identification of such potentials, in one sense, offers a glimpse into cartel "enemy intent"—a possible form of actionable strategic intelligence. The final section of this Paper offers conclusions stemming from the analysis provided and recommendations for the U.S. Army and other governmental institutions whose mission may somehow be impacted by the cartel car bombings now taking place in Mexico.

CAR BOMBINGS AND LESSONS LEARNED IN COLOMBIA

A review of the historical literature on car bomb use by the Colombian cartels suggests this is an understudied area and one beset with only fragmentary incident information.[7] Both the RAND Database of Worldwide Terrorism Incidents (RDWTI) and Global Terrorism Database (GTD) are almost useless as datasets concerning such car bombings.[8] A GTD search for Colombian (country) explosives/bombs/dynamite (weapons) and bombing/explosion (attacks) yielded 2,365 incidents between July 24, 1976, and December

29, 2008, with the vast majority minor in nature and conducted by the various indigenous guerilla groups.[9] Further, the sheer amount of bombings conducted by the Medellin cartel between 1988 and 1993, most of which do not exist in datasets nor distinguish between thrown/placed bombs and car bombs, make any form of quantitative analysis impossible. For instance, between mid-August and mid-December 1989 alone, it is estimated 205 bombings, mostly small in nature, were carried out.[10]

Still, even with this fragmentary information, some historical observations can be made concerning Colombian cartel bombing use. The first major car bombing took place outside the U.S. Embassy in Bogota in November 1984 and was meant as a "shot across the bow" to warn the Drug Enforcement Administration (DEA) to back off from its operations against Pablo Escobar and the other Medellin cartel leaders known as the "*Extraditables*."[11] The two competing drug cartels, based in Medellin and Cali respectively, did not engage in the sustained use of car bombs, however, until open war broke out between these two organizations in January 1988. Differing explanations are offered for the origins of the war. The first is based on the Cali cartel creating a Mexican route to the U.S. market, via an alliance with the Guadalajara cartel, which threatened Medellin cartel dominance. Another explanation viewed the war as starting over a power struggle between the cartels over the New York cocaine market.

A third reason was that the competing cartel bosses felt they were being disrespected by each other, neither side was willing to back down, and their honor had to take precedence over business.[12] Whatever the reason for the war, a Cali cartel car bomb, which targeted the family of Pablo Escobar in their luxury eighth story apartment in Medellin and permanently

damaged his daughter's hearing, signaled open hostilities. The war raged between January 1988 and the death of Escobar in December 1993, with a lull while Escobar was sequestered in the palatial prison *La Cathedral* from June 1991 through July 1992. The Colombian government made a conscious decision during this cartel war to focus solely on the Medellin cartel, which was considered a far larger threat to the Colombian state and, by default, sided with the Cali cartel. After the demise of the Medellin cartel, the Colombian government, directly supported by the United States, would subsequently turn its attention to dismantling the Cali cartel. As a result, the Colombian government faced the direct wrath of the Medellin cartel for collusion with its enemies.

Table 1 provides an overview of some of the higher profile cartel car bombing incidents that took place during this war. Except for the initial car bombing that signaled open hostilities and may have been a calculated Cali cartel ploy to enrage Escobar, car bomb use was typically a Medellin cartel affair. Escobar had little concern for collateral damage resulting from these bombings and generally utilized good size payloads, with the December 1989 attack on the Colombian Administrative Department of Security (DAS) utilizing a massive 1,100-pound bomb that caused devastating destruction:

> 'The explosion,' reported the *New York Times*, 'was so powerful that it broke windows in a building across the street from the United States Embassy, *seven miles away*.' The largest car bomb ever detonated outside the Middle East left a 20-foot-crater in the street and devastated 23 city blocks. DAS commander, General Miguel Maza Marquez managed to survive the blast—which he described as a 'mini-atomic bomb'—in his steel plated ninth-floor office, but his secretary was

killed, along with 58 other people. An incredible 1000 workers, residents, and pedestrians were injured (250 seriously), and at least 1500 homes and office buildings suffered significant damage. The toll might have been even more catastrophic had police not defused a second car bomb placed in front of judicial offices.[13]

Date	City	Perpetrator/Type	Fatalities/ Injured	Target
January 13, 1988	Medellin	Cali Cartel; Car bomb	2/1[a]	Pablo Escobar's Home/Luxury 8th Story Apartment
~ August 1988	Cali	Medellin Cartel; Renault with 200 lb bomb	7/24[a]	La Rebaja Drug Store (Cali Cartel owned)
May 25, 1989	Bogota	Medellin Cartel	6/50[a]	Miguel Maza (Head of DAS)
December 6, 1989	Medellin	Medellin Cartel; Car with 1,100 lbs of dynamite	58/1000[a,d]	DAS Headquarters
March 1990	Cali, Bogota, Medellin	Medellin Cartel; Multiple car bombs detonated simultaneously	26/200[a]	Unknown
April 11, 1990	Itagui	Medellin Cartel; Suspected car bomb	16/109[c]	Truck Carrying Police Anti-Terrorism Unit
December 2, 1992	Medellin	Medellin Cartel; Huge car bomb	10/3[b]	Police by Stadium
January 30, 1993	Bogota	Medellin Cartel; Car with 220 lbs of dynamite	21/70[b]	Civilians in Bookstore
April 15, 1993	Bogota	Medellin Cartel; Car with +300 lbs of dynamite	11/200[b]	Civilians in busy Intersection/ Shopping Center

Sources: Ron Chepesiuk, *Drug Lords: The Rise and the Fall of the Cali Cartel*[a]; Mark Bowden, *Killing Pablo*[b]; *Global Terrorism Database*[c] (available from *www.start.umd.edu/gtd/);* and newspaper archives.[d]

Table 1. Selected Medellin and Cali Cartel Car Bomb Use in Colombia.

While some of the car bombs were used in an insurgency role that targeted police in 1989, 1990, and 1992, the final car bombs used in 1993 were used in a terrorism role against civilian targets when Escobar was on the run and increasingly feared for his life. Dynamite was the only named explosive used in any of the car bombings with timer detonators (and in one instance a potential lighted fuse) mentioned in the incident accounts.

The strife between the Medellin and Cali cartels extended beyond Colombia. According to Ron Chepesiuk:

> The war spread to the United States, and, in the last week of August [1988], the media reported on several dozen bombings in New York City and in Miami.[14]

While professional killers were indeed being deployed to these cities from Colombia—the Cali cartel brought in more than 10^{15}—and the death toll for both Medellin and Cali cartel operatives and associates in these cities may have numbered well into the dozens, these bombing incidents cannot be substantiated. The Chepesiuk quote is referenced to a *New York Times* article that makes no mention of actual bombings taking place.[16] RDWTI, GTD, and city news searches yielded no incidents of such bombings or incendiary attacks.[17] This is not surprising since *sicarios* (assassins) typically killed using small arms, with the Mac-10 (and lighter Mac-11 variant) machine pistol then highly favored. Still, both cartels easily had the resources to deploy bomb makers to the United States if desired, and, if nothing else, ad hoc Molotov cocktail attacks would have been relatively simple for the *sicarios* to utilize

against those in opposing safe houses.[18] Prior to the 1988 hostilities, Medellin cartel boss Griselda "Black Widow" Blanco of Miami, FL, ordered numerous killings during the 1979-84 period. Her contract killer, Jorge "Rivi" Ayala, stated in a prison interview for the documentary *Cocaine Cowboys* that he even dynamited a house in an attempt to kill an opposing cartel rival.[19] Still, no reference to actual car bomb use in the United States by either the Medellin or Cali cartel has been found anywhere in the scholarly literature or in media reports.[20]

The lessons learned from Colombian cartel car bomb use appear to be twofold. First, car bombs were not only used in Colombia as a warning to others but also in an anti-personnel role to kill government agents, rival traffickers, and civilians; and in an anti-infrastructure role to damage and destroy public, commercial, and private facilities and buildings. Cali cartel use of car bombs was more highly discriminate in its application and initially focused on targeting the family of Pablo Escobar, the leader of the rival Medellin cartel. Later, in 1993, according to Mike Davis, the Cali cartel capitalized on public anger and detonated two additional car bombs in front of apartment buildings in which Escobar's immediate and extended family members were residing.[21] This is in line with the second phase cartel attributes identified for Cali, based on its propensity to emphasize corruption and symbolic violence over indiscriminate and mass killing.[22] The Medellin cartel, on the other hand, actively engaged in mass killing, especially later on, primarily directed at vestiges of the Colombian state and its citizenry. Further, it also actively targeted elements of the Cali cartel with little concern for collateral damage inflicted upon others. This pattern of car bomb use is

in line with the designation of the Medellin cartel as a first phase "aggressive competitor" habituated to extreme violence and, ultimately, a major reason for its eventual downfall in late 1993.[23] It should be noted that car bomb use by both cartels in Colombia did not exist in a vacuum and were interspersed with the more frequent use of thrown and placed bombs, kidnappings, and assassinations, and street level firefights.[24]

Second, while the Medellin and Cali narco-war of 1988 in Colombia spread to some of the key distribution cities in the United States, the level of violence remained relatively restrained and never approached the blatant violence witnessed during the much earlier July 1979 Dadeland Mall massacre.[25] In fact, while assassinations and intercartel killings were common and small scale bombings may have been relatively rare occurrences, no record of any cartel car bombings taking place in the United States have been identified. Some sort of psychological "firebreak" existed that even the more feral operatives of the Medellin cartel respected, thus deterring car bomb use on U.S. soil. Quite possibly, the specter of overwhelming U.S. law enforcement response locally, and the eventual blowback in Colombia at the highest governmental levels against the cartels, made such car bombings and the ensuing public and media spectacle that it would create a politically toxic option for someone even as violent as Pablo Escobar.

EARLY CAR BOMBINGS IN MEXICO

Bombs have been utilized in Mexico for politically related terrorist purposes, often targeted at U.S. and other interests, since the early 1970s. In February 1974, seven such devices damaged Pepsi Cola and Union

Carbide plants in Guadalajara and other companies in Oaxaca. The perpetrators were never identified.[26] A diverse mixture of leftist, Indian rebel, and anarchist bombings, with groups such as the 23rd of September Communist League, Zapatista Army, and Armed Revolutionary Front of the People (FARP) claiming responsibility, have persisted into the 2000s. These bombings have taken place both in urban locales, such as Acapulco and Mexico City, and in the countryside, for example, against pipelines in the states of Guanajuato and Querétaro.[27]

The majority of these bombings utilized small devices that were either placed or thrown. Three car bomb or vehicle borne improvised explosive device (VBIED) incidents, however, did take place.[28] The first incident, which even predates the 1974 spree of bombings, took place in July 1972. According to the RAND Database of Worldwide Terrorism Incidents:

> A panel truck containing plastic cans filled with gasoline to which were attached dynamite caps exploded in front of the U.S. consulate general in Monterey, destroying the truck but causing no damage to the consulate general.[29]

The terrorist group involved with the incident was not discovered. The second incident, which represents a quasi-car bomb, took place in November 1974, and targeted Fernando Lopez Muino, the Cuban ambassador to Mexico.[30] A bomb was placed in his car by anti-Castro Cubans and detonated; however, the ambassador did not sustain any injuries. The last incident took place in 1986 in Mexico City. According to the RDWTI:

> A caller tipped off police about a bomb in a car parked in front of the U.S. Embassy in Mexico City. The sophisticated device was defused 15 minutes before it was set to go off. The Simon Bolivar Anti-Imperialist Commando claimed responsibility for the action, linking it to the U.S. air strike in Libya.[31]

The earliest Mexican drug cartel related car bombing took place 20 years after the first politically related terrorist car bomb incident. It can be traced back to a car bomb detonated outside of a house used by "El Chapo" Guzmán, a head of the Sinaloa cartel in Culiacán in 1992, shortly after the Arellano Felix brothers (Tijuana cartel) put a bounty on his head. El Chapo and his bodyguards were not at the residence, and no one was injured from the bombing.[32] The next identifiable cartel related car bombing took place at a hotel in Guadalajara in June 1994. A newspaper account of the incident summarized it as follows:

> A car packed with powerful explosives blew up outside a luxury hotel Saturday, killing at least five people and wounding 15. Police sources said the bombing may be linked to Guadalajara's drug gangs.
>
> The Camino Real Hotel was evacuated after the early morning explosion, which occurred as 300 guests were winding up a debutante ball for a 15-year-old-girl. Investigators at the scene, speaking on condition of anonymity, said the girl's family is known to have ties to drug traffickers.
>
> The Mexico City newspaper Universal reported that police said members of the family of Rafael Caro Quintero, allegedly one of Mexico's most powerful drug traffickers, were attending the party inside the hotel.

> . . . Police and state officials said the automobile was packed with 10-22 pounds of plastic explosives and may have been detonated by remote control. Enrique Hoyos Medina, an expert at the state attorney general's office, said the explosives were a commercial type sold mainly to mining companies.[33]

The only other reference to cartel related car bombings during the 1990s is one mentioned by Barnard Thompson, a long-time private security specialist in Mexico and Latin America and editor of *MexiData.info,* who states:

> With respect to the car bombing count, the fact is since 1992 there have been at least five 'vehicle borne improvised explosive devices' that exploded, three of which appeared to be part of cartel infighting that unsuccessfully targeted Ismael 'El Mayo' Zambada García, drug kingpin of the Sinaloa Cartel. The others, one in Chiapas and another in Acapulco, Guerrero, against nearby quasi-government and military installations, were thought to be by small guerilla groups for supposed social causes.[34]

These car bombings against El Chapo Guzmán, the family of "El Numero Uno" Caro (the cartel leader had been incarcerated in April 1985), and El Mayo Zambada resulted from the dissolution of the Guadalajara cartel and the early wars between the Sinaloa and Tijuana factions. Given the excessive and indiscriminate violence utilized by the Arellano Felix brothers, including the use of San Diego based Logan Heights gang assassins who mistakenly killed Cardinal Posadas Ocampo at Guadalajara International Airport in May 1993,[35] it is highly likely that this early phase of cartel car bombings was carried out solely by the Tijuana cartel. If this is the case, it would be testament

to the Sinaloa cartel's better strategic appreciation of the consequences of its actions and unwillingness to blindly engage in tit-for-tat retaliatory violence with its cartel competitors.

RECENT INDICATIONS AND WARNINGS FOR RESUMED CAR BOMB USE IN MEXICO

With a deescalation of cartel violence between the Tijuana and Sinaloa cartels in the early 1990s, the use of car bombs ceased for over 15 years. Some sort of crude or mock car bomb—based on a container of gasoline, a false antenna, and cell phone (with either an inert or no detonator)—was then reported in August 2005. It had been placed in a stolen vehicle that was parked at a Guadalajara shopping center for 3 days and discovered by a security guard.[36] Whether this device was tied to Mexican cartel violence is unknown. Following the December 2006 Calderón offensive against the cartels and narco gangs in Mexico, violence levels once again increased. Along with this increase in violence, attempted and actual bombings using grenades and improvised explosive devices (IEDs), already beginning to take place, increased in frequency. Suspected grenade attacks in April and August 2006 were targeted against a ". . . busy restaurant in the Pacific coast town of Petatlán, Mexico . . ." and against ". . . the offices of two newspapers, Por Esto and Quequi Quintana Roo, in Cancun, Mexico. . ."[37] In June 2007:

> . . . police deactivated two bombs in two south Mexico City subway stations after being tipped off. Both bombs were accompanied by packages related to drug traffickers.[38]

More bombings then took place, including the pre-denotation of a bomb two blocks from Mexico City's police headquarters in February 2008—the dead bomber belonging to the Tepito drug gang had suspected links to the Sinaloa cartel and an operative known as "El Patron."[39] Also, the infamous Los Zetas linked fragmentation grenades attack, killing eight and injuring 101, on a crowd of people celebrating Mexican Independence Day in Morelia, Michoacán, was carried out in September 2008.[40] During this same period in July 2008, an I&W event took place related to the start of a new cycle of car bomb use:

> Mexican drug traffickers have built make shift car bombs to attack police, troops and rival smugglers as the country's drug war turns increasingly violent, police said.
>
> Soldiers found two car bombs in a safe house in the city of Culiacan in western Mexico on Monday. One car was packed with cans of gasoline and another stuffed with canisters of gas, police said.
>
> Both devices were wired to be detonated by cell phones, said a police official in Culiacan, capital of Sinaloa state, which is home to one of Mexico's biggest trafficking cartels.[41]

Speculation exists that the car bombs may have belonged to a Sinaloa faction controlled by Joaquin "Shorty" Guzmán, who broke off from other local drug lords and is no longer allied to them.[42] Regardless of the origins of these devices, their existence, the increasing patterns of violence in the Mexican drug wars, and the proliferation of small IED and grenade incidents (72 grenade attacks estimated in 2009 alone)[43] suggest car bomb use would once again resume in

Mexico. This time around, however, their use may not be confined to only one cartel and could conceivably follow the more brutal and less discriminate patterns of car bombings that were conducted in Colombia by the Medellin cartel beginning in the mid-1980s.

CONTEMPORARY CAR BOMBINGS IN MEXICO

Recognition that Mexican cartel violence had embraced the car bomb followed the July 15, 2010, attack on Federal police in embattled Ciudad Juárez. In that incident, a primitive IED—not the fully integrated VBIED variant found in Iraq and the AfPak (Afghanistan-Pakistan) theaters—was secreted inside a car. The ambush attack directly targeted the police and can be considered a classic TTP of insurgents. The attack was widely heralded as the drug war's first car bombing, which historically we know is not the case, and spurred a semantic debate over the difference between "car bombs" and "bombs in cars."

Four persons were killed in this well-planned, "bait and wait" trap near a Federal police facility. The attack was the first documented use of a car bomb by drug traffickers or their affiliated gangs since the start of Mexico's countercartel offensive by Calderón in 2006. Clearly, the use of bombs (ranging from simple IEDs to the more complex large vehicle bomb [LVB], erstwhile known as a VBIED) portends to dramatically alter the nature of Mexico's drug wars.

Until this assault, cartels and their paramilitary gangsters largely relied on small arms, limited use of grenades, and symbolic beheadings to neutralize competing cartel and government security forces. While police in Sinaloa found improvised gas canister car

bombs cached for potential use in July 2008, participants in the drug war relied upon barbaric beheadings, bold small arms attacks (active shootings), and the occasional grenade or combined small arms-grenade attack to wage their battles. While all these means are a challenge to police, the potential specter of urban car bombings—with their attendant casualty generating capacity—poses a threat potential similar to the "conventional" insurgencies of Iraq and Afghanistan. After the July 15 car bombing, which is believed to have been conducted by La Línea, a *narcomensaje* or message left at the scene claimed the Juárez cartel was responsible for the car bombing and threatened further attacks. "We still have car bombs," claimed the alleged warning.[44]

According to Associated Press reports:

> . . . the La Linea drug gang—the same group blamed for the killing of a U.S. consulate employee and her husband in March 2010—lured federal officers and paramedics to the site of a car bomb by dressing a bound, wounded man in a police uniform and calling in a false report of an officer shot. . . . The gang then exploded a car holding as much as 22 pounds (10 kilograms) of explosives, killing the decoy, a rescue worker, and a federal officer.[45]

While the Juárez platform was a simple car bomb, not a fully evolved VBIED, the debate over terminology rages. VBIED is a jargon-laden term preferred by military and security analysts familiar with U.S. counterinsurgency efforts in Iraq and Afghanistan. Some observers, notably STRATFOR, make it a point to distinguish between the fully evolved variant and their simple cousins.[46] The sophistication or operational effectiveness of the device is only one element of the attack and should not be overconflated with the TTP

or delivery platform. Remember, "Buda's Wagon" (the first modern "car" bomb) detonated in September 1920 by the corner of Wall and Broad Streets in New York City was not sophisticated in terms of the devices encountered in Colombia, Iraq, or the AfPak theaters either, but it was still a car bomb.[47]

The Ciudad Juárez device was likely a transitional weapon. It is plausible that cartel bomb makers were experimenting and importing TTP from other conflicts to exploit on their own battleground. Indeed, after the Juárez attack, at least 18 car bomb incidents have been recorded in Mexico. Table 2 documents these attacks, as well as the initial Juárez incident and a precursor incident in Culiacán 2 years prior.[48] As Table 2 demonstrates, the recent use of car bombs as a tactic of confrontation is now more prevalent than widely recognized. Use of the tactic starts with one precursor interdiction in 2008, followed by no use in 2009. In 2010, the year of the July 15 sentinel attack in Ciudad Juárez, five incidents were recorded. In 2011, a total of eight incidents were documented. One incident each occurred in Sinaloa and Hidalgo, two incidents in Ciudad Juárez, three incidents in Nuevo León, and four in Ciudad Victoria (Tamaulipas). While the offending actors are not definitively known, both Tamaulipas and Nuevo León are areas contested by the Zetas and Gulf cartels. A brief overview of these incidents follows. The first incident recorded after the July 15 attack targeted the headquarters of the Tamaulipas State Public Safety agency. A car bomb rocked the complex in Ciudad Victoria on August 5, 2010. No one was hurt, but two police cars were damaged.[49] On August 27, a car bomb exploded outside the offices of *Televisa* in Ciudad Victoria, causing damage and interrupting the station's broadcast, however, no one was injured.[50]

Date	City	Perpetrator/Type	Fatalities/Injuries	Target
July 14, 2008	Culiacán, Sinaloa	Unknown, possibly Sinaloa cartel; 2 car bombs with gas canisters captured	0/0	Likely intended to target police
July 15, 2010	Ciudad Juárez, Chihuahua	La Línea; car bomb	4/0	Police on foot responding to call; ambush
August 5, 2010	Ciudad Victoria, Tamaulipas	Unknown; car bomb	0/0	Headquarters building; state police
August 27, 2010	Ciudad Victoria, Tamaulipas	Unknown; car bomb	0/0	Televisa building
September 10, 2010	Ciudad Juárez, Chihuahua	Unknown; car bomb	Interdicted	Police on foot responding to call; ambush attempt
September 2010	Guadalajara, Jalisco	Unknown; car bomb	Interdicted	Unknown
January 18, 2011	Linares, Nuevo León	Unknown; 2 car bombs	0/3	Police
January 22, 2011	Tula-Tepeji, Hidalgo	Zetas; car bomb	1/3	Police
March 15, 2011	Ciudad Victoria, Tamaulipas	Unknown; car bomb	0/5	Police station (proximate to day care center)
September 12, 2011	Ciudad Juárez, Chihuahua	Unknown; car bomb	0/0	Day care center; police (ambush attempt)
September 16, 2011	Ciudad Victoria, Tamaulipas	Unknown; car bomb	0/0	Unknown, possibly police
October 10, 2011	Monterrey, Nuevo León	Zetas assumed; car bomb	0/0	Military patrol (Vehicular)
December 18, 2011	Zuazua, Nuevo León	Unknown; car bomb	0/3	Police station
January 10, 2012	Ciudad Victoria, Tamaulipas	Unknown; car bomb	Interdicted	Police station
March 19, 2012	Ciudad Victoria, Tamaulipas	Unknown; car bomb	0/0	Expreso newspaper building
April 24, 2012	Nuevo Laredo, Tamaulipas	Sinaloa assumed; car bomb	0/0	Headquarters building; police
May 24, 2012	Nuevo Laredo, Tamaulipas	Zetas assumed; car bomb	0/10	Barracks at hotel; police
June 6, 2012	Ciudad Victoria, Tamaulipas	Unknown; 2 car bombs (arson)	0/0	Car dealership

Table 2. Contemporary Car Bomb (*coche-bomba*) Incidents in Mexico.

June 29, 2012	Nuevo Laredo, Tamaulipas	Unkown; car bomb	0/7	City Hall; Municipal Government
July 3, 2012	Ciudad Victoria, Tamaulipas	Unknown; car bomb	2/7	Private Residence; Chief Security Officer
July 31, 2012	Culiacán, Sinaloa	Unknown; car bomb	0/0	Gas Station

Sources: English and Spanish language media reports, *Borderland Beat*, available from *www.borderlandbeat.com, Blog Del Naco*, available from *www.blogdelnarco.com*, and *GroupIntel Network*, available from *www.groupintel.com*.

Table 2. Contemporary Car Bomb (*coche-bomba*) Incidents in Mexico. (cont.)

Then, in September 2010, two incidents took place. One, on September 10, took place in Ciudad Juárez and involved another ambush in which an explosive device was placed in a car next to a car containing a dead body, which had been reported to the local police. The device, which contained 16 kilograms of the explosive Tovex, apparently failed to detonate and was rendered safe by a Mexican military ordnance team. The other incident took place in Guadalajara sometime in September and was composed of a liquor bottle filled with explosives placed inside a car. The device was recovered prior to its detonation and was unique because of the Futaba radio-contoller that was wired to it. Such controllers, used for model aircraft, can be traced back to Medellin cartel VBIEDs deployed in Colombia 2 decades ago.[51]

In 2011, we start to see the acceleration of the car bomb TTP. In January, two car bombs were deployed in Linares, Nuevo León. No one was injured in the first attack, but three people were wounded in the second. Both incidents targeted police. On January 22, Hidalgo was brought into the equation, with the Ze-

tas attacking the police in a bombing that killed one police officer and injured three. On March 15, five persons were wounded when a parked car bomb detonated outside a police station in Ciudad Victoria. The police station was situated next to a child-care center. On September 12, police disarmed a car bomb in the parking lot of a day care center. It is suspected that the device was meant to detonate when police arrived, but it was rendered safe. Later that month, on September 16 in Ciudad Victoria, a car bomb was detonated in the Colonia 7 de Noviembre in Ciudad Victoria, but no casualties were reported. In October, a Mexican army patrol was targeted in a car bomb ambush, but no injuries resulted. Finally, on December 18, 2011, a car bomb exploded outside a police station in Zuazua, Nuevo León, injuring three.[52]

The growing sophistication of Mexican cartel car bombs can be better understood by looking at an initial tactical analysis of the early morning October 20, 2011, car bomb ambush directed against a Mexican military patrol on Avenida Revolucion in Monterrey:

> . . . A cell phone detonated improvised explosive device (IED) placed inside the trunk of a small sedan is the most plausible—making it a VBIED (vehicle borne IED)—method of attack. The explosive type utilized is unknown but C-4 is quite probable; *these assumptions have not been confirmed forensically and therefore are only speculative*. A cartel vehicle was used as bait to bring a mounted Mexican Army patrol into the prepared kill zone. The VBIED was detonated prematurely with no soldiers or civilians injured in the ambush. Scenario 1: The VBIED was meant to be utilized in an efficient anti-vehicular/anti-personnel role to produce maximum Mexican military causalities. The ambush was unsuccessful due to the premature VBIED detonation and/or the explosive yield/dynamics utilized (small

> yield/non-directional). Scenario 2: The VBIED was utilized symbolically (as a warning) to the Mexican military to cease/limit their operations in Monterrey... No matter the accuracy of either scenario, this incident represents the first recorded use of a VBIED against a mounted Mexican Army patrol and a further escalation of VBIED tactical evolution taking place in the criminal insurgencies in Mexico. . . .[53]

Additional attacks were threatened in December, with car bombings resuming 1 month later in January 2012, with eight total incidents taking place through July. In Ciudad Victoria, Tamaulipas, the state police station was targeted with a car containing explosives in the trunk parked next to it. The car had been left next to the police station on the night of January 9, had luckily failed to detonate, and was disarmed by Mexican Federal police bomb disposal experts early the next morning.[54] Then, on March 19, a car bomb was used to target the *Expreso* newspaper in Ciudad Victoria, Tamaulipas. The device exploded at 8:15 p.m. on Monday on Avenida Los Almendros next to the newspaper building. No casualties resulted from the blast, but a couple of nearby vehicles and the building did suffer some property damage, and the newspaper website was down the next morning.[55]

On April 24, a car bomb was detonated in front of the building housing the attorney general of Tamaulipas and various state and municipal police agencies in Nuevo Laredo. The low yield device, suspected of belonging to the Sinaloa cartel, was set off at 8:00 a.m. on Tuesday morning. Pictures of the incident show minor fragmentation damage to a guard post, limiting perimeter access, and to a section of the building. Minor window breakage, the partial destruction of the actual pickup truck that contained the device, and

a nearby patrol car, are also evident. No casualties resulted from the detonation, however, an ensuing firefight between Mexican soldiers and armed cartel gunmen was reported to have taken place right after the bombing.[56]

The next bombing also took place in Nuevo Laredo, Tamaulipas—this time on May 24, 2012. The attack came at 5:30 a.m. on Thursday morning and was initiated by the Zetas against state police, who were barracked at the Hotel Santa Cecilia. Eight law enforcement officers and two civilians were wounded in what turned out to be a combined arms attack that began with gunfire directed against the hotel, followed by the detontation of a car bomb. Damage to the façade of an "L" shaped corner of a small motel with parking next to the rooms was evident in photos of the incident. Three of the officers sustained third-degree burns, which suggests that the initial gunfire drew them into the killing zone right outside of their rooms with the bomb placed in a pickup truck parked next to them. A police car and a privately owned car were also damaged from the detonation.[57]

A minor car bombing incident then took place in Ciudad Victoria, Tamaulipas, on Wednesday, June 6, 2012, at a Renualt and Volkswagen car dealership. Two vehicles were engulfed in flames by means of grenades or some other explosive device, which set their gas tanks on fire. Rather than a targeted attack against law enforcement or military personnel, this incident appears to simply represent arson for extortion purposes being directed at the car dealership by either the Zetas or the Gulf/Sinaloa cartels.[58] The city hall in Nuevo Laredo was then targeted by a bomb placed in a Ford Ranger pickup on Friday, June 29, 2012. The detonation of the device took place at 11:00

a.m. in the morning, injured seven people, and caused damage to 11 nearby vehicles, the side of the city hall, and local businesses. The blast was large enough for a plume of smoke to be seen from the U.S. side of the border. Of note is that the pickup was parked next to the mayor's parking spot, and the incident took place 48 hours prior to the national presidential elections in Mexico.[59]

On Tuesday, July 3, 2012, a car bomb was detonated in Ciudad Victoria in front of the private residence of the top security official in the state of Tamaulipas a few days after the national elections. The blast killed two police officers and wounded seven police officers and civilians. Damage to nearby vehicles was evident in an incident photo. The car bomb was said to be cell phone activated and was parked near the security barrier on the street just outside the official's residence.[60] Finally, on Tuesday, July 31, 2012, a bomb in a stolen car was detonated at a gas station in Culiacán, Sinaloa. No one was injured in the incident, and several homemade bombs were recovered from the car wreckage. No other information was provided in the news report.[61]

ANALYSIS AND FUTURE CAR BOMBING POTENTIALS IN MEXICO AND THE UNITED STATES

The present round of cartel car bomb deployment since July 2008 has been gradually increasing albeit in a sporadic and haphazard manner, with about 20 incidents now identified. It has been primarily directed at Mexican law enforcement and military personnel and officials. Secondary deployment against media and business interests has also been identified—although

it is unclear if the nonmedia business establishments were always the intended targets, and whether incendiary attacks via hand grenade detonation of car fuel tanks, rather than actual explosives, were TTP utilized.[62] Still, these recent cartel deployment patterns in Mexico suggest the following reasons for car bomb use have taken place. It is expected that these patterns will continue into the near future:

1. Primary Use Reasons
   - Threats and Warnings
   - Psychological Warfare/Terrorism
2. Secondary Use Reasons
   - Diversion Creation
   - Anti-personnel Targeting
   - Anti-vehicular/Anti-materiel Targeting

To date, no direct evidence exists to suggest that car bombs have been used in intercartel engagements. Instead, the cartels have relied upon direct ambushes and armed assaults to combat each other, but this could change if a specific cartel faces an existential threat from another cartel (or the state). Precedent for a reversion to intercartel car bomb deployment can be drawn to the Arellano Felix and Sinaloa conflict in the early 1990s. Further, at varying points in the narco-conflict, it is likely that cartels will have different use trajectories ranging from nondeployment to some of the deployment patterns described previously. Cartels either confirmed or alleged to have attempted or conducted car bombings are the Tijuana cartel (1990s only), the Juárez cartel, the Gulf cartel, Los Zetas, and even the Sinaloa cartel—which is not normally thought to use such weapons:

> The use of car bombs is a strategy used primarily by the Sinaloa cartel, which has allied with the Gulf Cartel to fight the Zetas, said a Mexican federal law enforcement official who asked not to be named for security reasons.
>
> 'The Zetas typically use grenades, but the Sinaloans are a little more sophisticated when it comes to that and used explosives,' the official said in Spanish. 'Car bombs have been employed in Nuevo Laredo, Monterrey, Victoria and the Tamaulipas coast city of Tampico, which are contested cities,' the official said. 'Depending on where those groups are fighting, that's where you could see' the bombs.[63]

Still, even with the statement provided by the Mexican official, intercartel engagements using car bombs cannot be substantiated—at best, they may be targeting each other's co-opted law enforcement proxies.

Of further note is a lack of car bomb deployment allegations directed against La Familia Michoacana and Los Caballeros Templarios (The Knights Templar). While these groups—both the initial and the successor organization—have utilized IEDs, fragmentation grenades, and even heavier infantry weapons such as rocket propelled grenades (RPGs), no attempted use of car bombs have been identified to date. This is significant because the spirituality of Los Caballeros Templarios appears increasingly conducive to martyrdom potentials—derived from retro-Christian "blood of the lamb" symbolism—which, if combined with the VBIED TTP, results in Mexican cartel suicide car bomber potentials.

Also, no evidence of present Mexican cartel car bomb deployment for anti-infrastructure purposes exists such as that undertaken in Colombia by the Medellin and Cali cartels. Fred Burton, Chief Security Officer

of STRATFOR, provided a well-articulated analysis in a video report on this subject. His analysis suggests that while the "capability" to deploy large scale car bombs against public buildings presently exists, the "intent" to undertake such attacks by the Mexican cartels does not.[64] One example of the capability possessed by the cartels is illustrated by the February 2009 raid upon an explosives magazine operated by a company from Texas doing business in Durango, Mexico:

> Two white Suburban-type SUV's rolled up and 15 to 20 masked men stepped out bearing automatic rifles. 'The security guards were ordered at gunpoint to open the magazine, and the gunmen made off with a large quantity of Tovex brand explosives and electric detonators,' reads a report by the United States Bomb Data Center obtained by GlobalPost. . . .
>
> . . . The report states that 267.75 pounds or 900 cartridges of the explosives as well as 230 electric detonators were taken. . . .[65]

That amount of explosive material is about 10 times the yield of the low yield car bombs deployed by the cartels to date. Even more explosives, "412 chubs (plastic sleeves) of hydrogel commercial explosives" were seized from the cartels along with "36 electric detonators and more than 11 meters of detonation cord" in Matamoros, Tamaulipas, in April 2011.[66]

It is thought by Burton and others that the cartels are not deploying larger yield car bombs because of the immense jumping of a "firebreak" such an escalatory deployment would represent. Crossing it would not only potentially trigger public outrage, but also possibly further escalate the state crackdown on the perpetrator cartel involved with using such a large

VBIED—it might even trigger increased U.S. governmental support to Mexico over what would be considered a watershed event. Of note, however, is the possible recent use of hand grenade detonation of car fuel tanks for arson purposes. This would represent a more subtle form of anti-infrastructure attack that would limit the media effect if done after hours to an establishment containing few to no employees.

Forecasting mid- and long-term cartel car bomb deployment patterns is more problematic. Although the devices employed to date are relatively crude and have yet to yield a high casualty count, over the last few years, they have increasingly been used as a tool of confrontation. As the conflict matures, it is plausible that the use and quality (tactical lethality) of car bombs will increase as a similar escalation has been seen in other conflicts.[67]

Mexico's criminal insurgencies appear to be escalating not only with the use of car bombs, but other explosives including hand grenades (many apparently stolen from Central American military arsenals) are also being employed. Clearly, grenades are not new in the Mexican narco-war, with thousands being seized from the gangs and cartels during the Calderón presidency.[68] In fact, in one well-known incident on September 15, 2008, *sicarios* tossed grenades into a crowd celebrating Mexico's independence in Morelia, Michoacán, killing eight people and wounding more than 100.

Grenades have also been used in assaults on police convoys and public officials, foreshadowing future car bomb potentials. Additionally, in the roughly 3 1/2-year period preceding July 2010, the Mexican attorney general's office made public the fact that 101 grenade attacks against government buildings had taken place.[69]

Further concerns over increases in the tactical lethality of cartel weaponry can be witnessed by the appearance of more sophisticated systems such as claymore mines, mortar shells, and various forms of anti-tank munitions such as Russian RPGs and older U.S. LAWs.[70] All of these weapons have the potential to be incorporated into future cartel VBIED systems to boost their effectiveness and/or be used in tandem with those systems in a combined arms manner.

So, while a firebreak on cartel car bomb use for anti-infrastructure purposes presently exists, it cannot be considered sacrosanct. Wounded cartels, like wild animals, may be willing to resort to drastic measures (or at least threaten to undertake them) if they feel cornered. This was evident with the Juárez cartel (aka the Vicente Carrillo Fuentes organization) following their July 2010 use of a car bomb ambush against responding police:

> La Linea threatened to employ a far larger IED (100 kilograms, or 220 pounds) if the FBI and the U.S. Drug Enforcement Administration (DEA) did not investigate the head of Chihuahua State Police intelligence, whom the VCF claimed was working for the Sinaloa Federation.[71]

The U.S. Government then went on to recognize the seriouness of cartel VBIED potentials in Mexico and deployed protective barriers at the U.S. Consulate in Monterrey on April 5, 2011.[72] With this in mind, steady state, slowly increasing, and quickly increasing car bomb use potentials in Mexico exists. The prognosis for decreasing car bomb deployment currently appears unlikely—especially for analysts who have watched the death toll steadily rise in Mexico from the thousands to the low tens-of-thousands to likely now

over 80,000 individuals during the 6-year Calderón administration.[73]

These use trajectories include a continuation of the **intermittent and targeted (discrete violence) with low yields** currently evident. The next level up is deployment patterns seen moving on to a mid-range potential where cartels employ car bombs in **occasional and targeted high yield attacks** (targeting police military and government facilities with more lethal variants of current platforms). A final and dire potential is **frequent and indiscriminate use of car bombs** (to kill lots of people); this represents the worst case—an unlikely potential scenario and representative of what took place back in Colombia decades ago. Thus far, car bombs have been used mainly in symbolic attacks against police—in fact, the total of all the dead and wounded from all cartel car bombs detonated to date in Mexico have not, as of yet, surpassed the casualties from the singular 2008 Morelia grenade attack. At best, these contemporary attacks were likely intended to dissuade and disrupt enforcement actions by police and military forces (or in the case of the *Televisa* and *Expreso* attacks, to shape reportage of cartel action). This use is largely symbolic violence with an instrumental purpose. Crude, small yield devices suffice to make the statement. Should the cartels seek to engage in higher levels of direct confrontation with the state (including police and military forces), they may seek to use more sophisticated or higher yield devices. Similar potentials have to at least be considered should the cartels opt to use car bombs as instruments of retaliation for arrests by the Mexican government or against other cartels—at that point, the potentials for Colombian level car bombing casualties in the hundreds may exist.

The specter of car bombings in Mexico's drug war also raises concerns across the border in the United States. These concerns include fear that the extreme violence of Mexico's criminal insurgency could spill over into the United States. Beheadings, mass executions, the use of improvised armored vehicles (narcotanks), social cleansing, and internally displaced persons suggest a macabre conflict has already emerged in Mexico.[74] In fact, since about 2006, beheadings have gone from a relatively unheard of event to more than 1,300 of them now being documented in the conflict between the gangs, cartels, and the Mexican state.[75]

Amplified by political concerns about illegal migration, some even see an alien horde ready to cross the Rio Grande, wreaking havoc throughout the United States, where Mexican cartels now operate in well over 1,000 cities.[76] Since some cartels have threatened U.S. law enforcement officials—even at times placing bounties for their killing[77]—a concern is that cartels will ambush American police, potentially with car bombs used in an anti-personnel and/or anti-vehicular role. In one incident, a street gang member actually threw a fragmentation grenade into a Pharr, Texas, bar containing off duty officers in January 2009.[78] Precedent for such an ambush scenario can be drawn to a June 2008 Phoenix, AZ, incident in which a cartel kill-team was dressed in local special weapons attack team (SWAT) gear (an older uniform type) and, after a successful assassination of a local drug dealer, attempted to draw a responding police officer into an ambush.[79]

Other scenarios include attacks on U.S. diplomatic personnel and consulates in Mexico, as well as attacks on border infrastructure or even U.S. Army posts and guard armories. However, the use of car bombs, at

least on U.S. soil and directed at U.S. governmental personnel operating in Mexico, is presently far from a likely potential.[80] Organized crime groups (including the Mexican cartels) are more likely to seek to evade or corrupt and co-opt state actors than to confront the state, especially as one as strong as the United States.[81] Cartel behavior in Mexico, as we have seen, is an entirely different matter, however, and becomes more and more emboldened with success as their impunity grows. This concern exists especially in towns, cities, and regions that fall under their de facto politicial control—many of which just happen to reside close to the U.S. border—because it may result in "hybrid" cartel behavior in some sovereign U.S. territory, which is less brazen than that found in Mexico but bolder than traditionally encountered in the United States.[82]

If cartel car bombs were to be eventually deployed on U.S. soil or against U.S. personnel and facilities in Mexico such as our consulates, we could expect that a pattern of I&W would be evident prior to such an attack or attacks.[83] In that case, I&W would be drawn from precursor events such as grenade and IED attacks (or attempted attacks) on our personnel and facilities and on evolving cartel car bomb deployment patterns in Mexico, especially concerning increases in tactical lethality and a shift toward anti-infrastructure targeting.

CONCLUSIONS AND RECOMMENDATIONS

Essentially, the problem faced by both Mexican military and police agencies and U.S. police agencies is that combating potential high intensity/criminal insurgency attacks employing car bombs demands real-time intelligence support and superb tactical

and operational command, control, and communications, all of which require new doctrine, training, and equipment. Basically, we are seeing the need to develop "intra-conflict" policing capacity. Such a capacity requires embracing "full-spectrum policing" where police can quickly shift from individual community policing duties into a formed unit (contact or fire teams and squads for close quarters battle) for tactical engagements against an armed and organized opposing force.

While nobody likes to admit it, the very real need for true "combat policing" capability beyond SWAT focused training that pertains to stacked tactics against one or two lightly armed and reactive barricade suspects now exists. Initially, capability gap concerns were expressed pertaining to al-Qaeda and al-Qaeda inspired operations taking place on U.S. soil, along with later Hezbollah linked terrorist potentials with some of these concerns drawn from the Beslan middle school massacre that took place in September 2004 and resulted in the death and injury of hundreds of children.[84] Recent examples of Mexcian cartel linked incidents in the United States that have prompted such needs being discussed include the November 2011 incidents in which a three-vehicle Zetas commando got into a firefight with law enforcement near Houston, TX, and several U.S. SWAT teams were deployed against over a dozen armed cartel and gang members who had crossed the border near Escobares, TX, after fleeing from a Mexican military offensive.[85]

These new capabilities are needed in Mexico, throughout Latin America, and here in the United States. To date, Mexico's Federal police have been building a force structure that emphasizes the tactical gendarmerie-type skill set over the community police

capabilities needed to sustain urban security. Development of the full range of police capacity, at all levels of the Mexican state (federal, state, and municipal), is essential. It goes without saying that such capacity must be corruption-free. This necessitates sustained police reform and significant capacity building.

The hybrid skills demanded by "full spectrum policing" would benefit from enhanced law enforcement-military interaction for assessing emerging conflict, developing tactical and operational doctrine, and cross training. It is not simply a matter of bringing counterinsurgency (COIN) skills to the police service, but rather a reciprocal exchange of knowledge and experience to address "inter-conflict policing" where community policing and COIN converge to address the intersection of crime and war. At the strategic level, there is a need to define the role of police-military interaction for convergent threats such as transnational organized crime, criminal insurgency, and crime in conflict zones. This may require new force structures (such as expeditionary police), as well as integrating existing capacities (such as formulating the traditional Diplomatic, Intelligence, Military, and Economic [DIME] as DIME-P, adding the police service). Building an adaptive response capacity to address urban terrorist tactics—including car bombs—employed in the criminal insurgencies now occurring in Mexico and parts of Central America is essential.[86] This requires more than explosive ordnance disposal (EOD) or bomb squad responses. Explosives and ambush awareness must be integrated into all police and emergency (fire/EMS; emergency medical services) response at the general service (patrol, first response) levels in the United States and Latin America. The lessons learned in countering car bombs and IEDs in Iraq

and Afghanistan, and now Mexico, must be shared and integrated into evolving public safety doctrine and emerging police operational art.

Derived from the future cartel car bombing potentials identified for Mexico, and also those potentials as they pertain to U.S. personnel and facilities on both sides of the border, and the preceding conclusions reached concerning the need for "full-spectrum policing" with the inclusion of a developed "combat-policing" capability, some initial response recommendations will be suggested. These response recommendations will be focused upon how the U.S. Army and the broader U.S. defense community—which have had recent extensive experience with IEDs, car bombs, and terrorist and insurgent tactics in the Iraqi and AfPak areas of operation—can better support both: a) the military and the federal, state, and local police agencies of the Mexican state; and, b) the various U.S. federal, state, and local police agencies operating near the U.S.-Mexican border:

These recommendations will be clustered into four thematic areas and will be generalized for both internal Mexican and U.S. border region requirements. The extent to which these forms of support may be provided should be considered situational and based on a determinaiton of need derived from the severity of the car bombing, and overall Mexican cartel, threat projected. These initial recommendations for U.S. Army and defense community support are as follows:

- *Intelligence*. The basic historical overview of Colombian and Mexican cartel VBIED (and IEDs in cars) incidents and the indications and warnings (I&W) discussion prior to the resumption of a new wave of car bombings in Mexico can be greatly expanded upon via the use of infor-

mation beyond that provided by open source intelligence (OSINT). Such information, and the military intelligence process behind it that focuses on futures and enemy intent—rather than backwards looking criminal intelligence that attempts to link a perpetrator in time and space back to a specific crime—is vital for both Mexican and U.S law enforcement to better understand and plan for a tactical and operational environment in which car bombs, IEDs, and infantry weapons utilized by cartel and gang members exist. The National Ground Intelligence Center (NGIC), a component of United States Army Intelligence and Security Command (USAISC), would be a natural candidate for this tasking, as potentially would be the U.S. Army Foreign Military Studies Office (FMSO) with its non-state threat analysis—though the intelligence training and products produced would be required to be at the unclassified, yet limited distribution/sensitive and non-restriction on use OSINT levels for law enforcement utilization.

- *Organization*. Past law enforcement organizational emphasis has focused on tactical level applications—typically with either one or two officers assigned to a patrol car. SWAT teams in smaller cities and towns are considered a collateral duty, as opposed to dedicated teams in major cities, and at best will typically be composed of a 4-5 man fire team or roughly a 11-man squad equivalent unit with more advanced teams fielding a combat medic. In rural policing situations, a lone deputy can be expected to cover a wide geographic area and

will be the first on scene to active shooter (agressor) incidents with no backup for long periods of time. For U.S. law enforcement to begin to gain an upper tier 'combat-policing' capability in the face of Mexican cartel threats, new organizational policing forms need to be explored. For border law enforcement found in the larger cities, this would likely include platoon size (3 squads) manuever elements. Further, SWAT, bomb squad, and air resources integrated together will be required to mitigate some potential threat scenarios involving cartel kill-teams integrated with IEDs and/or car bomb deployment. Swarming principals—derived from the work of John Arquilla—which are influencing U.S. Department of Defense organizational thinking also provide immediate utility for U.S and Mexican law enforcement, especially in more rural areas where law enforcement officers will respond to an incident in a hasty and adhoc manner.[87] Hence, the U.S. Army Training and Doctrine Command (TRADOC) would be of immense benefit in providing organizational support thinking to law enforcement on both sides of the border.

- *Training*. Law enforcement is used to functioning in an operational environment characterized by that of crime—not one characterized by conflict and war. As a result, law enforcement officers on both sides of the border do not normally understand military concepts, much less perceptions of an opposition force (OPFOR) that engages in proactive offensive operations, drawing upon both physical and psychological forms of violence, designed to eliminate armed

organized resistance. Further, both authors have trained rooms full of law enforcement officers who, save for some reserve and former military personnel, were unable to identify basic military weaponry such as 40mm grenades for the U.S. M203 grenade launcher or understand common military acrynoms such as OODA loops or OPSEC. Service and joint programs, such as U.S. Army Training and Doctrine Command and the Joint IED Defeat Organization (JIEDDO), can provide both basic training in such areas as *IED/Car Bomb/Infantry Weapons Awareness, Basic Infantry Tactics/Force Protection,* and *Counterintelligence/OPSEC* for general law enforcement units and more specific training on topics such as *Insurgent IED/Car Bomb TTPs/ Countermeasures* for bomb squad personnel.

U.S. SWAT teams, in some jurisdictions, are also now benefiting from MACTAC (Multi-Assault Counter-Terrorism Action Capabilities) training that is military inspired. This training, when combined with a grounding in the use of the U.S. Army Standard 9-line UXO Report and counter-IED awarneness, would significantly help promote increased SWAT capability against VBIED and ambush derived IED threats.

- *Equipment*. Over a decade of U.S. Army campaigning in Iraq and Afghanistan has provided the organization with an intimate knowledge of IEDs, car bombs, and other insurgent ambush techniques. Specific equipment requirements and a vetting of COTS (commercial off-the-shelf) products from lessons learned and paid in the blood of our service personnel has resulted in a wealth of expertise that can be directly

provided to Mexican and U.S. law enforcement agencies to support their procurement needs. The best route for coordinated U.S. law enforcement support would be via the InterAgency Board (IAB) for Equipment Standardization and Interoperability, which has a special emphasis on Chemical, Biological, Radiological, Nuclear, or Explosive (CBRNE) issues. The Joint IED Defeat Organization (JIEDDO) should also have a direct role in supporting this process. Support to Mexican governmental authorities should be directed through SEDENA (*Secretaría de la Defensa Nacional*) for the Army and Air Force and through SEMAR (*Secretaría de Marina)* for the Navy. Both armed forces are actively engaging the cartels, with the Army being used for stability and support operations and the Navy primary engaging in more specialized operations against the cartel leadership. U.S. military equipment support to Mexican law enforcement, however, will be more problematic, with currently two federal agencies, 31 state agencies, and well over 1,500 municipal agencies existing.

Reappraisal of the Posse Comitatus Act of 1878—enacted in a far different domestic security environment bereft of armed and organized nonstate threat entities able to challenge states—is also required if we are to lift some legal restrictions on U.S. military support to U.S. law enforcement agencies.[88] These recommendations, will, of course, also be required to be integrated and subordinated to ongoing U.S. initiatives and programs—such as Mérida Initiative and follow-on congressional authorizations—and

ongoing U.S. domestic law enforcement support operations initiated by the DEA, elements of the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), and other U.S. governmental agencies.[89]

Addressing the challenges posed by cartel *sicarios* is a hemispheric security challenge. In addition to internal U.S. military efforts and U.S. support to Mexican military (both SEDENA and SEMAR) and law enforcement (at all levels: federal, state, and municipal), support should also be extended to Central American states facing cartel and gang challenges. An important initiative in this regard is the dramatic increase in senior leader engagements and Subject Matter Expert Exchanges (SMEE)/Mobile Training Team (MTT) activities between the Mexico branch of US Army North's (ARNORTH) Security Cooperation Division and SEDENA. These engagements and activities have gone from three in FY 2009 to 98 in FY 2012.[90]

Additionally, Mexican security agencies (the aforementioned military and police, as well as CISEN-*Centro de Investigación y Seguridad Nacional*, the PGR-*Procuraduría General de la República*, and state prosecutors) need the knowledge and skills to recognize, avoid, or contain; safely respond to; and render safe car bombs and other IEDs. They also need the forensic science skills to investigate car bomb crime scenes and prepare cases for prosecution. It is not enough to transfer skills to the military. Local responders are potential targets of attack and likely the first to respond to a bomb scene. Police and other local level responders (emergency medical services), the Cruz Rojo Mexicana (Mexican Red Cross), and *bomberos* firefighters need the skills to safely respond to, contain, and investigate car bomb attacks. This requires comprehensive civil-military security sector support.

Ultimately, a comprehensive U.S. Northern Command (USNORTHCOM) strategy should be developed in coordination with the Mexican government that integrates all elements of national power to mitigate and counter Mexican cartel use of car bombs and other forms of violence and corruption manifesting themselves in Mexico and increasingly in the United States. To best serve our national interests, however, this comprehensive strategy should also be integrated with the U.S. Southern Command (USSOUTHCOM) to create a Western Hemispheric strategy to combat gang, cartel, and other criminal insurgent threats to the Americas.[91]

ENDNOTES

1. Felipe Calderón, *Cuatro Informe De Gobierno* (4th Governance Report), Mexican Federal Government, Mexico City, Mexico, September 2010, available from *translate.google.com/translate?hl=en&sl=es&u=cuarto.informe.calderon.presidencia.gob.mx/resumen-ejecutivo/&prev=/search%3Fq%3Dcalderon%2Binforme%2B2010%26hl%3Den%26safe%3Doff%26client%3Dfirefox-a%26hs%3DfRH%26rls%3Dorg.mozilla:en*, English translation.

2. *Ibid.;* Ken Ellingwood, "Mexico's Crackdown on Organized Crime Is Working, Calderón Says." *Los Angeles Times*, September 2, 2010, available from *articles.latimes.com/2010/sep/02/world/la-fg-mexico-informe-20100902*.

3. General elections were subsequently held in Mexico on July 1, 2012, with the PRI candidate Enrique Peña Nieto winning the presidential election. He assumed office on December 1, 2012.

4. Calderón, *Cuatro Informe De Gobierno.*

5. Associated Press, "Drug War: 2 Bodies Hung from Bridge on Road to Acapulco," *Daily Breeze*, August 24, 2010, available from *www.dailybreeze.com/ci_15880607?source=pkg*; E. Eduardo Castillo and Mark Steveson, "Drug Cartel Suspected in Massacre of 72 Migrants," Associated Press, August 26, 2010.

6. John P. Sullivan, "Explosive Escalation? Reflections on the Car Bombing in Ciudad Juarez," *Small Wars Journal*, July 21, 2010, available from *smallwarsjournal.com/blog/2010/07/explosive-escalation/*.

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8. See RAND Database of Worldwide Terrorism Incidents (RDWTI), Santa Monica, CA: RAND, available from *smapp.rand.org/rwtid/search.php*; and Global Terrorism Database (GTD), National Consortium for the Study of Terrorism and Responses to Terrorism, University Park, MD: University of Maryland, available from *www.start.umd.edu/gtd/search*.

9. The Global Terrorism Database (GTD) yielded one unique cartel car bombing in Table 1 compiled for this Paper. Neither database contained most of the major car bombings incidents highlighted. Further attempts to identify actual car bombing incidents in the GTD is extremely tedious.

10. Ron Chepesiuk, *Drug Lords: The Rise and Fall of the Cali Cartel*, Wrea Green Preston, UK: Milo Books Ltd., 2003.

11. Davis, p. 110.

12. Chepesiuk, *Drug Lords*, pp. 134-136.

13. Davis, pp. 111-112.

14. Chepesiuk, *Drug Lords*, p. 129.

15. *Ibid*.

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17. The GTD contains many of these incidents but only in fragmentary form.

18. Some potential historical cartel bombing incident information may reside with the New York and Miami-Dade police departments and/or within the institutional memory of some retired Bomb Squad personnel, but such information would not be made available to the public.

19. Billy Corben, director, *Cocaine Cowboys*, DVD, Rakontur Film Venture One LLC and Magnolia Home Entertainment, Los Angeles, CA: Corben, 2005. Ayala is serving multiple life sentences for the cartel killings in which he was involved. In a deleted interview scene, he explained how he learned in Miami to use bombs composed of sticks of dynamite, detonator, wires, battery, and a timer. See deleted scene 8, "Rivi Guns and Bombs."

20. Numerous keyword searches for car bomb use were conducted, including those in the newspaper archives of the *New York Times* and *Miami Herald*.

21. Davis, p. 114.

22. Robert J. Bunker and John P. Sullivan, "Cartel Evolution: Potentials and Consequences," *Transnational Organized Crime*, No. 4, Summer 1998, pp. 55-74. Note that in June 1995, the Cali cartel detonated a car bomb at a music festival, killing at least 30 and wounding 200. This was undertaken as an act of desperation as the Cali cartel was in the process of being eliminated, and one of its leaders, Gilberto Rodriguez Orejuela, had recently been captured. See Davis, p. 115.

23. *Ibid*. Ultimately, Pablo Escobar turned on many of his old associates who were taken to the *La Cathedral* prison and subsequently tortured and killed. Those associates not killed by Pablo, and the surviving family members of those killed by him, increasingly turned against him. See Chepesiuk, *Drug Lords*, pp. 152-153; and Mark Bowden, *Killing Pablo*, New York: Penguin, 2002, p. 118.

24. The Medellin cartel also blew up Avianca Flight 203, killing all 107 passengers aboard in November 1989, as part of an assassination plot, and the Cali cartel attempted to launch an opera-

tion in 1992 in which bombs would be dropped on Pablo Escobar from an airplane while he was in *La Cathedral* prison. Each incident reinforces the mass violence and more discriminate violence tendencies of these warring cartels.

25. This incident centered on Colombian cartel violence tied back to Griselda Blanco and others. The shooters at the mall escaped in a "war wagon" (a truck with steel plating, gun muzzle slots, hanging police-issue body armor for added protection, and 14 weapons) that they later abandoned. See Guy Gugliotta and Jeff Leen, *Kings of Cocaine*, New York: Simon and Schuster, 1989, pp. 9-16; and the film by Corben.

26. Brian Jenkins and Janera Johnson, *International Terrorism: Chronology (1974 Supplement)* R-1909-1-ARPA, Santa Monica, CA: RAND, February 1976, p. 7.

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29. RDWTI, July 17, 1972, Unknown, Mexico (Record 1).

30. RDWTI, November 8, 1974, Unknown, Mexico (Record 18).

31. RDWTI, April 26, 1986, Commando Internacionalista Simon Bolivar, Mexico (Record 35).

32. Malcolm Beith, *The Last Narco*, New York: Grove Press, 2010, p. 73. Incident not listed in RDWTI or GTD datasets.

33. Times Wire Services, "Car Bomb at Mexico Hotel Kills 5; Drug Link Suspected," *Los Angeles Times*, June 12, 1994, available from *articles.latimes.com/1994-06-12/news/mn-3431_1_drug-link-suspected*. This incident is listed with only fragmentary information as GTD ID:199406130001. No subsequent car bomb entries for either the RDWTI or GTD datasets exist after this date.

34. Barnard R. Thompson, "The Mexican Drug War: Is It 'Narcoterrorism'" (Reprinted from *www.mexidata.info*), *Open Democracy*, August 17, 2010, available from *www.opendemocracy.net/barnard-r-thompson/mexican-drug-war-is-it-narcoterrorism*.

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38. Dudley Althaus and Marion Lloyd, "Homemade Bomb Explodes in Mexico City, Killing Man," *Houston Chronicle*, February 16, 2010, available from *www.chron.com/disp/story.mpl/world/5546550.html*.

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48."Mexico Drug Traffickers Make Car Bombs," *Reuters*, July 16, 2008, available from *uk.reuters.com/article/2008/07/16/uk-mexico-drugs-idUKN1652282020080716*.

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88. Powell, "Threat of IEDs growing at home."

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90. Brian Woolworth, "Enhancing North American Security through Military to Military Relationships," *Small Wars Journal – El Centro*, November 30, 2012, available from *smallwarsjournal.com/blog/enhancing-north-american-security-through-military-to-military-relationshi*.

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Newsletter Op-Ed., August 20, 2012, available from *www.strategicstudiesinstitute.army.mil/index.cfm/articles/The-New-Security-Reality-Not-Business-as-Usual/2012/08/20*. See also the call for a Western Hemispheric strategy in Robert J. Bunker, "Strategic Threat: Narcos and Narcotics Overview," *Small Wars & Insurgencies*, Vol. 21, No. 1, March 2010, pp. 21-24.

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Rodríguez Vera et al. (The Disappeared from the Palace of Justice) v. Colombia

ABSTRACT[1]

This case is about the famous attack of the Palace of Justice, the home of Colombia's Supreme Court, carried out in 1985 by terrorists of the M-19 organization. The specific issue that is the object of this case is the forced disappearance of some suspected M-19 members of the team that attacked the building, as well as personnel of the cafeteria who were mistakenly suspected for having aided and abetted the attack. The Court found the State in violation of several articles of the American Convention, as well as the Inter-American Convention on Forced Disappearances of Persons and of the Inter-American Convention to Prevent and Punish Torture.

I. FACTS

A. *Chronology of Events*

Mid-1985: Justices of the Supreme Court begin to receive death threats after declaring their intent to enforce an extradition treaty between the United States and Colombia that would allow Colombia to send indicted criminals to the United States. This would open the door for prosecution of Colombian drug traffickers.[2] The Government strengthens security around the Palace of Justice, the seat of Colombia's Supreme Court, and even provides additional security to some of the justices.[3] The Palace of Justice is located in the center of the national capital, Bogotá, in the same square of the Congress and one block away from the Presidential Palace.[4]

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1. Erin Gonzalez, Author; Diane Chang, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 287, ¶ 91 (Nov. 14, 2014).; Christopher Woody, *The Palace Siege: 30 Years Since Rebel Fighters Launched a Devastating Attack on Colombia's Highest Court*, BUSINESS INSIDER, Nov. 7, 2015 (12:30 P.M.), http://www.businessinsider.com/colombia-palace-of-justice-siege-2015.11.

3. Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 91.

4. Woody, *supra* note 2.

October 23, 1985: The M-19 guerrilla group attempts to assassinate General Samudio Molina and then sends a message to a radio station suggesting that their next attack would be of "such significance that the world will be amazed."[5] That same day, the police intelligence service finds plans to storm the Palace of Justice during a raid of M-19.[6]

November 6, 1985: Armed members of the M-19 enter various locations in the Palace of Justice.[7] One of the first places M-19 seizes is the cafeteria.[8] During the attack, gunfire is exchanged with the justices' bodyguards,[9] and hostages are taken.[10]

Colombia's President Belisario Betancur refuses to negotiate and orders a military operation to force M-19's surrender and rescue the hostages.[11] During the evening, the security forces infiltrate in the Palace of Justice and reach access the fourth floor. A long fight commences between the soldiers and M-19.[12]

November 7, 1985: Fighting on the fourth floor continues until 2:00 AM.[13] Three fires erupt in the Palace of Justice; these fires kill anyone who may have survived the gunfire and explosions, and make it impossible to determine how the hostages or members of M-19 died or how many people were on the floor.[14]

Right after, President Bentacur announces via radio that the military is carrying out Operation Rake (*Rastrillo*) to retake the Palace.[15] Upon hearing this radio transmission, hostages hiding in a bathroom send an emissary so that the military would know some civilians were left in the building.[16] However, one guerrilla stronghold remained and the emissary's exit prompts an explosion, which leads the guerillas to fire upon

5. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 90.
6. *Id*.
7. *Id.* ¶ 93.
8. *Id*. ¶ 94.
9. *Id*.
10. *Id*.
11. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 95.
12. *Id*. ¶ 98.
13. *Id*.
14. *Id*. ¶ 99.
15. *Id*. ¶ 98.
16. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 98.

the hostages in the bathroom.[17] The remaining survivors stay in the bathroom until M-19 permits them to leave.[18]

The military uses the nearby House of the Florist (*Casa del Florero*) as headquarters to coordinate the operation and identify everyone who exits the Palace of Justice.[19] When escapees arrive, the military intelligence officers search, interrogate, and separate survivors from any suspected M-19 members.[20] The military permits the majority of survivors to go home or takes them to hospitals,[21] but takes "special" survivors to the second floor of the *Casa del Florero*.[22] Subsequently, some of these survivors are transferred to various military facilities, including the Cavalry School of the Colombian National Army and the General Ricardo Charry Solano Intelligence and Counter-Intelligence Battalion.[23]

Once the Colombian military successfully retakes the Palace of Justice, the military is ordered to begin removing bodies and to seize any leftover weapons or war materials.[24] The military first moves the bodies to the first floor and officials wash some of the bodies.[25] This inevitably deprives investigators of some details to aid them in identifying them.[26] In total, 94 bodies are recovered.[27] Bodies are transferred to the Institute of Forensic Medicine.[28] However, the Institute is ill-prepared to handle the large influx of bodies.[29] This results in numerous insufficient autopsies and an inability to establish the causes of death and identities.[30] The Institute errs numerous times in returning bodies to families.[31] In addition, although 94 bodies are recovered, records are proper and complete for only 22 of the victims.[32] Another 38 bodies are buried in a mass grave.[33]

November 1985: Multiple family members of the missing persons file

17. *Id*. ¶ 102.
18. *Id*.
19. *Id*. ¶ 103.
20. *Id*.
21. *Id*.
22. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 103.
23. *Id*.
24. *Id*. ¶ 145.
25. *Id*.
26. *Id*.
27. *Id*. ¶ 151.
28. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 146.
29. *Id*. ¶ 151.
30. *Id*.
31. *Id*.
32. *Id*. ¶ 149.
33. *Id*. ¶ 155.

complaints and approach different law officers to clarify what happened.[34] A Special Investigative Court is created to investigate the offenses committed during the taking of the Palace of Justice,[35] the Sixth Military Criminal Investigation Court begins a preliminary investigation,[36] and the Attorney General opens an investigation into the disappearances from the Palace of Justice.[37]

May 31, 1986: The Special Investigative Court concludes that M-19 members were the sole perpetrators of the attack, but the investigation identifies "irregular actions".[38] These include Ms. Irma Franco Pineda's disappearance, Mr. Orlando Quijano's detention, and Ms. Yolanda Santodomingo Albericci and Mr. Eduardo Matson Ospino's detention and ill-treatment.[39]

The Court also considers the following persons, who were in the Palace of Justice during the attack and likely died on the fourth floor after being taken as hostages, "disappeared": Mr. Carlos Augusto Rodríguez Vera, Ms. Cristina del Pilar Guarín Cortés, Mr. David Suspes Celis, Ms. Luz Mary Portela León, Mr. Bernardo Beltrán Hernández, Mr. Héctor Jaime Beltrán Fuentes, Ms. Gloria Stella Lizarazo Figueroa, Ms. Norma Constanza Esguerra Forero, Ms. Gloria Anzola de Lanao, Ms. Lucy Amparo Oviedo Bonilla and Ms. Ana Rosa Castiblanco.[40] However, the Court emphasizes the investigation stage has not concluded and further proceedings to determine facts are needed.[41]

October 23, 1986: The Commander of the Army's 13th Brigade assumes responsibility for the death of Mr. José Eduardo Medina Gravita and for the investigations of Ms. Clara Helena Enciso and Ms. Irma Franco Pineda.[42]

June 26, 1988: The Office of the Special Attorney opens a disciplinary investigation into Colonel Edilberto Sánchez, the Head of B-2, and the

34. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, n.194.
35. *Id*. ¶ 156.
36. *Id*. ¶ 157.
37. *Id*. ¶ 169.
38. *Id*. ¶ 158.
39. *Id*.
40. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 159.
41. *Id*. ¶ 160.
42. *Id*. ¶ 163.

Commander of the 13th Brigade, General Jesús Armando Arias Cabrales.[43]

September 15, 1988: The Attorney General concludes that of all those taken to the *Casa del Florero*, only Ms. Franco Pineda is "disappeared."[44] Further, the Attorney General determines there is insufficient evidence to consider the missing cafeteria workers "disappeared" and, therefore, the evidence is insufficient to bring charges against the Colombian Armed Forces.[45]

January 31, 1989: The 30th Itinerant Criminal Investigation Court of Bogotá indicts the M-19 members who "planned the attack on the Palace of Justice."[46] The Court also includes a section called "Presumed Responsibility of the Armed Forces" and discusses the military and police personnel who are possibly involved in disappearances, torture, and the events in the bathroom and fourth floor of the Palace of Justice.[47] The Court determines that ordinary criminal jurisdiction should investigate these matters and, in particular, examine whether the order to suspend any action on the fourth floor were disobeyed by the Commander Cabrales, Colonel Sánchez, and the Director of National Police.[48]

June 27, 1989: The Special Attorney holds Colonel Sánchez responsible for Ms. Franco Pineda's disappearance and for Ms. Santodomingo Albericci and Mr. Matson Ospino's detention and ill treatment.[49] Meanwhile, the Special Attorney also determines that the Commander of the 13th Brigade may have violated Decree 1776 of 1979 that creates a duty to protect hostages.[50]

September 28, 1990: The Special Attorney orders a disciplinary sanction removing the Commander Cabrales and Colonel Sánchez.[51]

May 12, 1992: The Commander of the Colombian Air Force ends proceedings against the Commander of the Army's 13th Brigade as to the

43. *Id*. ¶ 210.
44. *Id*. ¶ 169.
45. *Id*.
46. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 161.
47. *Id*. ¶ 162.
48. *Id*.
49. *Id*. ¶ 210.
50. *Id*.
51. *Id*. ¶ 211.

incidents on the fourth floor and the bathroom and determines that no disappearance of three guerrilla members occurred.[52] The Commander of the Air Force also determines that the Colonel was not responsible for the ill treatment of Ms. Santodomingo Albericci and Mr. Matson Ospino, nor did he contribute to Ms. Franco Pineda's disappearance.[53] The Air Force Commander concludes that the investigation into Ms. Franco Pineda's disappearance should remain open since she had not been found.[54]

May 18, 1992: The Attorney General appeals the May 12, 1992, decision.[55]

October 22, 1993: The Military Superior Court affirms the May 12, 1992 findings in favor of the Colonel Sánchez since Ms. Enciso was not disappeared and the statute of limitations for a criminal torture offense has run for Ms. Santodomingo Albericci and Mr. Matson Ospino.[56] However, the Court reopens the investigation into the Commander Cabrales and continues the investigation into Ms. Franco Pineda's whereabouts.[57]

June 27, 1994: The Special First Instance Court of the General Command of the Military Forces determines there is no ground to convene a court-martial to try the Commander Cabrales accused of homicide and personal injury, or to convene a court-martial against Colonel Sánchez for Ms. Franco Pineda's disappearance.[58] The Court therefore closes the proceedings against them and thus ends the military criminal jurisdiction investigation.[59]

August 20, 1996: The Second Criminal Court of the Bogotá Special Circuit orders the exhumation of the mass grave in the South Cemetery.[60] The exhumations begin in February 1998.[61]

2001: At the request of the next of kin, the Prosecutor General opens an investigation into the forced disappearances of the following persons: Mr.

52. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 165.
53. *Id*.
54. *Id*.
55. *Id*. ¶ 167.
56. *Id*.
57. *Id*.
58. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 168.
59. *Id*.
60. *Id*. ¶ 192.
61. *Id*.

Carlos Augusto Rodríguez Vera, Ms. Cristina del Pilar Guarín Cortés, Mr. Bernardo Beltrán Hernández, Mr. Héctor Jaime Beltrán Fuentes, Mr. David Suspes Celis, Ms. Luz Mary Portela León and Ms. Ana Rosa Castiblanco Torres.[62] The bodies exhumed from the South Cemetery correlate with the disappeared victims.[63]

November 5, 2004: The disappeared persons' next of kin request the members of the security forces and agencies that participated in the retaking of the Palace of Justice be made available for questioning.[64] The Prosecution argues the request is inadmissible.[65]

October 5, 2005: The investigation is reopened.

February 1 and 2, 2007: The investigation inspects the Army's 13th Brigade facilities and the Cavalry School.[66] During these inspections, investigators find personal documents of Mr. Carlos Horacio Urán Rojas and a note referring to Mr. Matson Ospino and Ms. Santodomingo Albericci.[67]

September 28, 2007: During the investigation, five members of the B-2 of the Army's 13th Brigade are indicted because of the aggravated abduction and forced disappearance of the victims in this case, but not including Ms. Castiblanco Torres and Mr. Urán Rojas.[68]

February 2008 – March 2009: The Commander of the Cavalry School, Commander Cabrales, and three members of the Intelligence and Counterintelligence Command ("COICI") are indicted.[69] Commander Cabrales and the members of the COICI appeal their charges, which are upheld regarding aggravated forced disappearances.[70] The 51st Criminal Court of the Bogotá Circuit assumes proceedings and hears the case against members of B-2 of the 13th Brigade, and the Third Criminal Court of the Special Circuit of Bogotá ("Third Criminal Court") assumes the charges for abduction aggravated by forced disappearance.[71]

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62. *Id*. ¶ 170.
63. *Id*. ¶ 193.
64. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 171.
65. *Id*.
66. *Id*.
67. *Id*.
68. *Id*. ¶ 174.
69. *Id*.
70. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 174.
71. *Id*. ¶¶ 174, 189.

June 9, 2010: The Third Criminal Court delivers a guilty verdict against the Commander of the Cavalry School as an indirect author of the eleven victim's forced disappearances and sentences him to thirty years in prison.[72] The court also orders investigations into the following: (1) any prior knowledge the security forces had of M-19's intent to attack the Palace of Justice; (2) potential extrajudicial killings of hostages and M-19 members during the siege; and (3) President Bentacur and other high ranking Armed Forces officials who participated in the operation and the intervention of the National Police and State Security agencies.[73] The Court also orders investigations into potential co-authors (indirect and direct) and other participants in these forced disappearances.[74] The Public Prosecution Service and the Commander of the Cavalry School appeal.[75]

September 8, 2010: The Criminal Chamber of the Superior Court of Bogotá partially revokes the pardon of some M-19 members and considers that the homicide and attempted homicide charges constitute crimes against humanity.[76]

April 28, 2011: The 51st Criminal Court delivers a guilty verdict against the Commander of the 13th Brigade.[77] The Court determines that the Army believed the cafeteria employees were members of M-19.[78] The Court sentences the Commander to 35 years in prison.[79] The Public Prosecution Service and the defense file an appeal.[80]

December 15, 2011: The 51st Criminal Court acquits the accused members of the COICI for lack of direct evidence to indicate their involvement in the forced disappearances.[81] The civil parties file an appeal.[82]

January 30, 2012: The Superior Court of Bogotá affirms the sentence of 30 years in prison but only as to Mr. Rodríguez Vera and Ms. Franco

72. *Id.* ¶ 175.
73. *Id.* ¶ 176.
74. *Id.*
75. *Id.* ¶ 177.
76. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 206.
77. *Id.* ¶ 185.
78. *Id.* ¶ 186.
79. *Id.* ¶ 187.
80. *Id.*
81. *Id.* ¶ 183.
82. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 184.

Pineda and partially annuls as to the other victims' forced disappearances because of insufficient evidence.[83] The Court orders reparation measures to honor the victims and continues the investigation to determine other perpetrators.[84] The Court believes this will show the international community that Colombia is taking serious steps "to avoid the impunity of crimes against humanity committed by State agents."[85] The Public Prosecution Service and defense file cassation remedies.[86]

April 2, 2013: The Second Criminal Court returns with a guilty verdict for the crimes of aggravated homicide in the siege of the Palace of Justice against eight M-19 members, including Ms. Franco Pineda.[87]

October 18, 2013: The Prosecutor General's office joins all the investigations into a single prosecution.[88]

October 24, 2014: The Superior Court of Bogotá affirms the Commander's prison sentence for five of the victims because these victims left the Palace alive in the Army's custody and then were forcibly disappeared.[89] However, the Court determines there is insufficient evidence as to the other victims.[90]

1. Events pertaining to Carlos Augusto Rodríguez Vera

November 6, 1985: Mr. Rodríguez Vera is a law student and works as manager of the Palace of Justice's cafeteria.[91] At least one person sees him working in the cafeteria before the takeover.[92]

November 7, 1985: Mr. Rodríguez Vera survives the siege.[93] However, Colombian authorities suspect he is a M-19 member because he is the cafeteria manager and M-19 members first took hostages in the cafeteria.[94] Individuals who saw Mr. Rodríguez Vera in the *Casa de Florero*

83. *Id*. ¶¶ 178-79.
84. *Id.* ¶ 181.
85. *Id*.
86. *Id*. ¶ 182.
87. *Id*. ¶ 207.
88. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 208.
89. *Id*. ¶ 188.
90. *Id*.
91. *Id*. ¶ 108.
92. *Id*.
93. *Id*. ¶ 109.
94. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and

tell his family that he is transferred to the North Canton, and military officials confirm his transfer to the Cavalry School.[95] Although his family consults numerous government agencies and his whereabouts are still unknown, some information from the Cavalry School details that he may have died from being tortured while detained.[96]

2. Events pertaining to Irma Franco Pineda

November 6, 1985: Ms. Franco Pineda is a law student and member of M-19 who assists in the takeover of the Palace of Justice.[97]

November 7, 1985: Once it was evident that the Colombian military would successfully retake the Palace of Justice, Ms. Franco Pineda changes clothes with a deceased victim and attempts to disguise herself among a group of hostages exiting the building.[98] However, other survivors identify her as a M-19 member and the military takes her to the second floor of the *Casa de Florero*.[99] Around 7:00 p.m. or 8:00 p.m., the military places her in a vehicle and transfers her to an unknown location.[100] Although her family has consulted numerous government agencies, her whereabouts are unknown.[101]

May 1987: Ms. Franco Pineda's next of kin file a request to bring a civil suit.[102] This request is denied because under military law, civil suits cannot be brought for military-related offences.[103]

3. Events pertaining to Cristina del Pilar Guarín Córtes

November 6, 1985: Ms. Guarín Córtes attends work as a cashier in the Palace of Justice cafeteria where she is covering for Mr. Rodríguez Vera's wife who is on maternity leave.[104]

November 7, 1985: Her father searches for her, but discovers she was

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Costs, ¶ 109.
95. *Id*.
96. *Id*.
97. *Id*. ¶ 111.
98. *Id*.
99. *Id*.
100. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 111.
101. *Id*.
102. *Id*. ¶ 164.
103. *Id*.
104. *Id*. ¶ 114.

transferred to a military facility on suspicion that she had a university degree in social science yet worked as a cashier.[105] Her family has consulted numerous government agencies, but her whereabouts are still unknown.[106]

4. Events pertaining to David Suspes Celis

November 6, 1985: Mr. Suspes Celis leaves the home he shares with his girlfriend and daughter and arrives to the Palace of Justice for his job as a chef in the cafeteria.[107]

November 7, 1985: His family searches for him and requests information from numerous government agencies, but his whereabouts are still unknown.[108]

5. Events pertaining to Bernardo Beltrán Hernández

November 6, 1985: Mr. Beltrán Hernández leaves for the Palace of Justice to work as a waiter in the cafeteria.[109]

November 7, 1985: Mr. Beltrán Hernández's family attempts to identify his body, but cannot find him.[110] After requesting information from numerous government agencies, his whereabouts are still unknown.[111]

6. Events pertaining to Hector Jaime Beltrán Fuentes

November 6, 1985: Mr. Beltrán Fuentes leaves for the Palace of Justice to work as a cafeteria waiter.[112] That evening, his brother, a DAS employee, looks for Mr. Beltrán Fuentes at the *Casa de Florero* and their father inquires about the location of cafeteria employees; he is told that the employees are being held in the *Casa de Florero*.[113]

105. *Id*. ¶ 115.
106. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 115.
107. *Id*. ¶ 116.
108. *Id*. ¶ 117.
109. *Id*. ¶ 118.
110. *Id*. ¶ 119.
111. *Id*.
112. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 120.
113. *Id*. ¶ 121.

November 7, 1985: Mr. Beltrán Fuentes's family searches for him in morgues, hospitals, and even the military facilities such as the Cavalry School; his brother goes to the *Casa de Florero* to look for him again.[114] However, Mr. Beltrán Fuentes's whereabouts are still unknown.[115]

7. Events pertaining to Gloria Stella Lizarazo Figueroa

November 6, 1985: Ms. Lizarazo Figueroa opens the Palace of Justice cafeteria where she works in the self-service section.[116]

November 7, 1985: Her family requests information on her location from numerous government agencies and searches for her in hospitals, clinics, and military facilities, but cannot find her.[117]

Following the Siege: A soldier from the Cavalry School tells her husband, Mr. Luis Carlos Ospina, that the military brought people to the Cavalry School from the Palace of Justice, but the soldier could not tell Mr. Ospina whether Ms. Lizarazo Figueroa was there.[118]

8. Events pertaining to Luz Mary Portela León

November 6, 1985: Ms. Portela León leaves for the Palace of Justice to replace her ill mother as a dishwasher in the cafeteria.[119]

November 7, 1985: Her family looks for her and requests her whereabouts from numerous government agencies, but receives no information.[120]

9. Events pertaining to Norma Constanza Esguerra Forero

November 6, 1985: Ms. Constanza Esguerra Forero enters the building to deliver pastries shortly before M-19 attacked.[121] Her sister accompanies her on the delivery, but sits in the car outside.[122]

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114. *Id*.
115. *Id*.
116. *Id*. ¶ 122.
117. *Id*. ¶ 123.
118. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 123.
119. *Id*. ¶ 124.
120. *Id*. ¶ 125.
121. *Id*. ¶ 126.
122. *Id*.

November 9, 1985: Her family finds her belongings in the Palace of Justice, but cannot determine her whereabouts after searching hospitals and North Canton.[123]

10. Events pertaining to Lucy Amparo Oveida Bonilla

November 6, 1985: Ms. Oveida Bonilla, a law student, leaves to interview near the Palace of Justice with Justice Raúl Trujillo.[124] According to her family, she likely goes to the Palace of Justice to meet with him or his secretary for help securing this job.[125] However, the secretary left prior to the attack and did not see Ms. Oveida Bonilla.[126]

Following the Siege: Her family searches for her in cemeteries, hospitals, and the Charry Solano Battalion and requests help from the media and senators, but cannot determine her location.[127]

11. Events pertaining to Gloria Anzola de Lanao

November 6, 1985: Ms. Anzola de Lanao leaves her son's kindergarten to go to work and parks in her usual spot in the basement of the Palace of Justice.[128]

Following the Siege: Her family finds her car unscathed in the Palace of Justice parking lot, but after searching through the destroyed building and the recovered corpses, Ms. Anzola de Lanao's whereabouts are unknown.[129] Her family searches for her at the 13th Brigade and the Cavalry School but still cannot find her.[130]

12. Events pertaining to Ana Rosa Castiblanco Torres

November 6, 1985: Ms. Castiblanco Torres, who is seven months pregnant, leaves for the Palace of Justice where she works as an assistant chef

123. *Id*. ¶ 127.
124. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 128.
125. *Id*.
126. *Id*.
127. *Id*. ¶ 129.
128. *Id*. ¶ 130.
129. *Id*. ¶¶ 130-31.
130. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 131.

in the cafeteria.[131]

Following the Siege: Her family searches hospitals, morgues, and police stations but does not find her.[132] Next, her family looks for her at women's prisons and the 13th Brigade, but is told no one from the Palace of Justice is detained there.[133]

November 2001: Ms. Castiblanco Torres's body is exhumed from a mass grave at South Cemetery and is returned to her family following DNA testing and identification.[134]

13. Events pertaining to Carlos Horacio Urán Rojas

November 6, 1985: Mr. Urán Rojas is an Auxiliary Justice of the Council of State and a doctoral student at the University of Paris.[135] He speaks with his wife on the phone and tells her there is smoke, but he is unharmed.[136]

November 7, 1985: Military officials tell Mr. Urán Rojas's family he survived the attack, but is injured.[137] His family and friends search for him in the Military Hospital and the Vice Minister of Health inquires as to his whereabouts, but cannot find him.[138] His wife meets with a general to see the videotape of her husband leaving the Palace of Justice.[139]

November 8, 1985: A friend identifies Mr. Urán Rojas's body in the room reserved for M-19 members.[140] The State claims Mr. Urán Rojas died in the Palace of Justice.[141]

February 1, 2007: His family reopens its inquiries after personal documents are recovered in the B-2 of the Army's 13th Brigade's security

131. *Id*. ¶ 132.
132. *Id*. ¶ 133.
133. *Id*.
134. *Id*.
135. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 134.
136. *Id*.
137. *Id*. ¶ 135.
138. *Id*.
139. *Id*.
140. *Id*. ¶ 136.
141. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 136.

vault.[142]

January 2010: An official investigation opens into Mr. Urán Rojas's death, and the Court orders the exhumation and autopsy of his body.[143]

August 27, 2010: The Prosecution Services implicates three generals and requests their resignations.[144]

April 2, 2013: The Court holds M-19 members responsible for Mr. Urán Rojas's murder.[145] In response, his next of kin files an *amparo* application with the Criminal Chamber of the Superior Court of Bogotá to exclude Mr. Urán Rojas in the judgment's operative paragraphs.[146]

May 21, 2013: The Criminal Chamber denies the *amparo* application.[147]

May 29, 2013: The next of kin appeal this decision.[148]

14. Events pertaining to Yolanda Santodomingo Albericci and Eduardo Matson Ospino

November 6, 1985: Ms. Santodomingo Albericci and Mr. Matson Ospino, both law students, go to the Palace of Justice together so Ms. Santodomingo can take her criminal practice exam and Mr. Matson Ospino can research an assignment.[149] The students are walking to the cafeteria when the attack begins.[150] The two survive the attack and security forces escort them out of the Palace of Justice.[151] Colombian authorities believe they were involved in the attack, and take them to the second floor of the *Casa de Florero*.[152] Military officials interrogate them for long periods of time, beat them, and subject them to ill treatment.[153] The

142. *Id*. ¶ 196.
143. *Id*. ¶ 197.
144. *Id*.
145. *Id*. ¶ 199.
146. *Id*. ¶ 200.
147. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 200.
148. *Id*.
149. *Id*. ¶ 137.
150. *Id*.
151. *Id*. ¶ 138.
152. *Id*.
153. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 138.

officials also do not place them on any type of survivor list.[154]

The officials take the students to the Directorate of the Judicial and Investigative Police ("DIJIN") offices and perform a gunshot residue test to determine whether they fired any weapons.[155] The officials transfer them blindfolded and handcuffed to the Charry Solano Battalion and interrogate them separately while subjecting them to physical and mental abuse.[156] Mr. Matson Ospino desperately informs the officials that he has family friends and relatives in politically powerful offices, including his uncle, the governor of Bolivar.[157] After this, the officials apologize, saying this was a misunderstanding and that there is no problem.[158] Similarly, Ms. Santodomingo Albericci receives an apology and the officials reiterate that she was retained and not detained.[159]

November 7, 1985: The officials release the students in the San Victorino sector of Bogotá and Marlio Quintero Pastrana, a Charry Solano Battalion intelligence officer, picks them up in a taxi.[160]

November 8, 1985: The students attempt to pick up their documents from North Canton, but no one would receive them.[161]

Week of November 15, 1985: The students attend a meeting in the Ministry of Defense offices that is coordinated by Mr. Matson Ospino and his father through his uncle.[162] Two generals attend the meeting and return their documents.[163]

July 30, 2012: The Court determines Ms. Santodomingo Alberici and Mr. Matson Ospino were tortured at the hands of the State's security forces.[164]

15. Events pertaining to Orlando Quijano

November 6, 1985: Mr. Quijano is in the Secretariat of the Criminal

154. *Id*.
155. *Id*. ¶ 139.
156. *Id*.
157. *Id*. ¶ 140.
158. *Id*.
159. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 140.
160. *Id*.
161. *Id*. ¶ 141.
162. *Id*.
163. *Id*.
164. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 203.

Chamber of the Palace of Justice when the attack occurs because he is an attorney who writes and edits a journal on high courts' jurisprudence.[165] After surviving the attack, military officials take Mr. Quijano to the second floor of the *Casa de Florero* where security forced interrogate him and subject him to poor treatment.[166] Officials transfer him to North Canton where officials search him and further interrogate him while subjecting him to poor treatment.[167] Officials then take him to SIJIN.[168]

November 8, 1985: Mr. Quijano is released from SIJIN.[169]

16. Events pertaining to José Vicente Rubiano Galvis

November 7, 1985: While Mr. Rubiano Galvis is riding a bus with a friend, military officials stop the bus at a military checkpoint in Zipaquirá.[170] The soldiers find three weapons on the bus and detain three individuals, including Mr. Rubiano Galvis, and accuse them of being M-19 members involved with the attack on the Palace of Justice.[171] The officials take the men to the Zipaquirá base where they beat them and give them electric shocks.[172] The officials transfer them to Usaquén in Bogotá where the officials torture them to try to illicit a confession.[173]

November 8, 1985: The officials transfer the men to the Number 13 Police Battalion in Puente Aranda and then to the model prison in Bogotá.[174]

November 23, 1985: The men are released from the model prison.[175]

B. *Other Relevant Facts*

Following the 1970 presidential elections, a guerrilla movement entitled the 19th of April Movement ("M-19") emerges.[176] M-19 already

165. *Id*. ¶ 142.
166. *Id*.
167. *Id*.
168. *Id*.
169. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 142.
170. *Id*. ¶ 143.
171. *Id*.
172. *Id*. ¶ 144.
173. *Id*.
174. *Id*.
175. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 144.
176. *Id*. ¶ 89.

intends to make a political statement because the President and his defense minister violated a peace agreement with the M-19s and the M-19s hope to force the Supreme Court to bring a case against the President[177] However, the Medellin drug cartel finds common ground over the government's position of enforcing the US-Colombia extradition treaty.[178] Pablo Escobar, the leader of the Medellin cartel, allegedly pays the M-19 group $1,000,000.00 to attack the Palace of Justice.[179] In addition to the attack causing political uproar, the fires destroy over 6,000 criminal case files, including the case against Pablo Escobar.[180]

In the 1970s and 1980s, an average of twenty-five judges and lawyers are victims of assassination attempts annually.[181] During this time, the Supreme Court continually makes rulings asserting its independence from the executive branch.[182]

It is unclear exactly how many people die during the siege on the Palace of Justice.[183] The Colombian Institute of Forensic Medicine recover 94 bodies; however, since three separate fires raze the building, forensic specialists struggle to identify the victims.[184]

II. PROCEDURAL HISTORY

A. *Before the Commission*

December 1990: Enrique Rodríguez Hernández lodges a petition before the Commission on the basis of the alleged disappearances of Mr. Carlos Augusto Rodríguez Vera, Ms. Cristina del Pilar Guarín Cortés, Mr. David Suspes Celis, Mr. Bernardo Beltrán Hernández, Mr. Héctor Jaime Beltrán Fuentes, Ms. Gloria Stella Lizarazo Figueroa, Ms. Luz Mary Portela León, Ms. Ana Rosa Castiblanco Torres, Ms. Norma Costanza Esguerro Forero, Ms. Lucy Amparo Oveido Bonilla, Ms. Gloria Anzola de Lanao, and Ms. Irma Franco Pineda (Hereinafter, "the disappeared victims").[185]

March 31, 2010: The Colombian Association of Retired Military

177. Woody, *supra* note 2.
178. *Id*.
179. *Id*.
180. *Id*.
181. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 92.
182. *Id*.
183. *Id*. ¶ 104.
184. *Id*.
185. *Id*. fn. 1.

("ACORE") submits an *amicus curiae* brief.[186]

April 13, 2010: The Association of Victims of the Colombian Guerrilla/ Visible Heroes Foundation submits an *amicus curiae* brief.[187]

October 31, 2011: The Commission issues Admissibility and Merits Report No. 137/11.[188] The Commission finds that Colombia violated the recognition of juridical personality and the rights to life, humane treatment, and personal liberty under Articles 3, 4, 5, and 7, in relation to Article 1(1) (Obligation of Non-Discrimination) of the American Convention and in relation to Articles 1(a) (Prohibition of Practicing, Tolerating or Permitting Forced Disappearances) and 11 (Right to Officially Recognized Detention Location and to Be Promptly Brought Before Competent Judicial Authority) of the Inter-American Convention on Forced Disappearances to the detriment of the disappeared victims.[189]

The Commission also finds that Colombia violated the rights to humane treatment and personal liberty under Articles 5 and 7 in relation to Article 1(1) of the American Convention to the detriment of Ms. Santodomingo Albericci, Mr. Quijano, Mr. Rubiano Galvis and Mr. Matson Ospino.[190]

Additionally, the Commission finds that Colombia violated the rights to judicial protection and judicial guarantees under Articles 1(1), 8(1), and 25(1) in relation to Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent Torture to the detriment of Ms. Santodomingo Albericci, Mr. Quijano, Mr. Rubiano Galvis and Mr. Matson Ospino.[191]

The Commission also finds that Colombia violated the rights to judicial protection and judicial guarantees under Articles 1(1), 8(1), and 25(1) in relation to Article 1(b) (Duty to Punish Forced Disappearances) of the Inter-American Convention of Forced Disappearances to the detriment of the disappeared victims, their next of kin, and the next of kin of Mr. Urán Rojas.[192]

Finally, the Commission determines that Colombia violated the

186. *Id*. ¶ 10.
187. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 10.
188. *Id*. ¶ 2.
189. *Id*.
190. *Id*.
191. *Id*.
192. *Id*.

right to personal integrity under Article 5(1) in relation to Article 1(1) of the American Convention to the detriment of the next of kin of the victims forcibly disappeared, tortured, and executed.[193]

B. *Before the Court*

February 9, 2012: The Commission submits the case to the Court because Colombia has not made substantial progress to comply with the recommendations in the Admissibility and Merits Report.[194]

1. Violations Alleged by Commission[195]

Article 3 (Right to Juridical Personality)
Article 4 (Right to Life)
Article 5 (Right to Humane Treatment)
Article 5(1) (Right to Physical, Mental, and Moral Integrity)
Article 7 (Right to Personal Liberty)
all in relation to:
Article 1(1) (Obligation of Non-Discrimination) of the American Convention

Article 1(a) (Prohibition of Practicing, Tolerating, or Permitting Forced Disappearances)
Article 11 (Right to Officially Recognized Detention Location and Be Promptly Brought Before Competent Judicial Authority) of the Inter-American Convention on Forced Disappearances of Persons
Article 1(1) (Obligation of Non-Discrimination)
Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)
Article 25(1) (Right of Recourse Before a Competent Court)
all in relation to:
Article 1(b) (Duty to Punish Forced Disappearances) of the Inter-American Convention on Forced Disappearances of Persons

Article 1 (Obligation to Prevent and Punish Torture),
Article 6 (Obligation to Take Effective Measures to Punish Torture and Cruel, Inhuman, Degrading Treatment)

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193. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2.

194. *Id.* ¶ 3.

195. Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Petition to the Court, Inter-Am. Comm'n H.R., Case. No. 10.738, pg. 4-5 (Feb. 9, 2012).

Article 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture

2. Violations Alleged by Representatives of the Victims[196]

Article 8 (Right to a Fair Trial)
Article 25 (Right to Judicial Protection)
all in relation to:
Article 1(1) (Obligation of Non Discrimination)
Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention

Article 3 (Obligation to Adopt Legislative Measures) of the Inter-American Convention on Forced Disappearances of Persons

November 24-25, 2012: The State submits six preliminary objections and contests the statement of facts and violations provided by the Commission and the legal representatives of the victims.[197]

October 17, 2013: The State submits a brief partially acknowledging responsibility of the violations alleged by the victims and the Commission.[198] Additionally, Pax Romana International Catholic Movement for Intellectual and Cultural Affairs ("ICMICA") submits an *amicus curiae* brief.[199]

November 10, 2013: The State submits a second brief partially acknowledging responsibility for the violations alleged by the victims and the Commission,[200] thus narrowing their preliminary objections to a lack of material competence and a lack of temporal competence.[201]

November 11 and 12, 2013: ACORE submits an *amicus curiae* brief.[202]

196. Rodriguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Admissibility Report, ¶ 3. The *Colectivo de Abogados José Alvear Restrepo* ("CCAJAR"), the Center for Justice and International Law ("CEJIL"), Mr. Jorge Eliecer Molano Rodríguez, Mr. Germán Romero Sánchez, and the *Comisión Intereclesial de Justicia y Paz* serve as representatives of the victims. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs. ¶ 6.

197. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 7.

198. *Id*. ¶ 12.

199. *Id*. ¶ 14.

200. *Id*. ¶ 12.

201. *Id*. ¶¶ 36, 37.

202. *Id*. ¶ 14.

November 14, 2013: The German Association of Judges submits an *amicus curiae* brief.[203]

November 28, 2013: The American Bar Association[204] and Human Rights in Practice submits *amicus curiae* briefs.[205]

November 14, 2014: The Court rejects the first preliminary objection that the Court lacks material competence because the application of international humanitarian law in the case would be more of a reference point since neither the Commission nor the victims asserted any specific violations of international humanitarian law.[206] In addition, the Court rejects the lack of competence to examine violations of the Inter-American Convention on Forced Disappearance with regard to Ms. Castiblanco because Article XIII of the Inter-American Convention of Forced Disappearance establishes that the Court has the authority to process petitions of alleged forced disappearances.[207] Therefore, the mere allegation that Ms. Castiblanco Torres was a victim of forced disappearance allows the Court to have jurisdiction.[208]

III. MERITS

A. *Composition of the Court*[209]

Roberto F. Caldas, President
Eduaro Ferrer MacGregor Poisot, Judge
Diego García-Sayán, Judge
Manuel E. Ventura Robles, Judge
Eduardo Vio Grossi, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

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203. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 14.

204. *See* Brief for the American Bar Association as Amici Curiae Supporting Petitioners, Case of Rodríguez Vera, et. al. (The Disappeared from the Palace of Justice) v. Colombia, Inter-Am. Ct. H.R., (ser. C), No. 287 (Oct. 8, 2013).

205. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 14.

206. *Id.* ¶ 39.

207. *Id.* ¶ 43.

208. *Id.* ¶ 44.

209. As a Colombian national, the President of the Court, Judge Humberto Antonio Sierra Porto, did not participate in the proceedings. *Id*. n*. Judge Alberto Pérez Pérez did not participate for reasons beyond his control. *Id*.

B. *Decision on the Merits*

November 14, 2014: The Court issues its judgment on preliminary objections, merits, reparations, and costs.[210]

The Court unanimously found that the State violated:

Articles 3 (Right to Juridical Personality), 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) and 7 (Right to Personal Liberty), in relation to Article 1(1) (Obligation of Non-Discrimination) and Article 1(a) (Prohibition of Practicing, Tolerating or Permitting Forced Disappearances) of the Inter-American Convention on Forced Disappearances, to the detriment of the disappeared victims[211] because:

The Court first determined that these victims were forcibly disappeared and therefore had their rights violated because the context of these actions inherently violate the rights of the Convention; as in its previous cases, the Court held that enforced disappearances violate multiple international human rights norms.[212]

The three elements of enforced disappearance are the State: (1) deprives an individual of their liberty; (2) directly intervenes or acquiesces; and (3) refuses to acknowledge or give information regarding the detention.[213] *The Court considers the disappearance ended only when the person's location is determined or the remains are reliably identified.*[214] *During the disappearance, the State must investigate and then punish those deemed responsible.*[215] *Since this analysis involves the violation of many human rights over time, it must span the entire disappearance.*[216]

First, the State military officials classified the survivors as "suspicious."[217] *They believed the cafeteria workers aided M-19 in the attack*

210. *Id*.
211. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Operative Paragraphs" ¶ 3.
212. *Id*. ¶¶ 227-28, 321.
213. *Id*. ¶ 226.
214. *Id.* ¶ 228.
215. *Id*.
216. *Id*. ¶ 234.
217. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 243.

since the group first took over the cafeteria, and the officials believed the three visitors could not properly justify their purpose in the Palace of Justice or identify themselves.[218] *Classification alone does not violate the Convention and instead demonstrates the State's duty to maintain safety.*[219] *However, the victim's classifications become relevant in the context of their forced disappearances.*[220]

The Court held that detentions, irrespective of their purpose or duration, must be recorded and include: a reason for detention, the identity of who detained the individual, the detention's length, and the official notice to a judge.[221] *Military officers took survivors to the second floor of the Casa del Florero to identify them; however, four inconsistent lists of survivors were included in the case file and others (including Ms. Santodomingo Albericci, Mr. Matson Ospino, and Ms. Franco Pineda) were not registered.*[222] *The State argued that this was a high-pressure situation involving hostages so everyone was considered a suspect.*[223] *However, the Court indicated this does not justify the failure to register the detentions.*[224] *Additionally, if the officers had properly recorded these detentions, there would not have been an issue of enforced disappearances and it would have aided those identifying the dead.*[225] *The Court held that the failure to register suspicious persons and absence of a record contributed to the enforced disappearances based on element three: the denial of information.*[226]

Special forces transferred several of the suspicious hostages to other military facilities where at least seven of them disappeared.[227] *These disappearances were confirmed through military testimony,*[228] *and a radio transmission appearing to give "final orders" regarding some detainees.*[229]

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218. *Id*. ¶¶ 239; 241.
219. *Id*. ¶ 243.
220. *Id*.
221. *Id*. ¶ 247.
222. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 245.
223. *Id*. ¶ 246.
224. *Id*.
225. *Id*. ¶ 247.
226. *Id*. ¶ 249.
227. *Id*. ¶ 250.
228. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 252-53.
229. *Id*. ¶ 254.

Some family members were informed that their loved one survived the siege from military officers, radio transmissions, or other survivors.[230] *The case file indicated that some or all of the cafeteria staff survived the siege.*[231] *In the following days, some family members heard their loved one had been transferred to the North Canton and the Charry Solano Battalion,*[232] *which support the hypothesis that the victims left the Palace of Justice alive and the military detained them.*[233]

One element of a forced disappearance is the State's refusal to give information to family members, making it harder to ask questions about the disappearance.[234] *Here, multiple family members asked for information and were told their loved ones were not detained,*[235]*and since the Court determined that the detentions occurred, these denials satisfy element three.*[236]

The Court held that State crime scene investigators did not meet the standard for processing because of the numerous errors in handling the deceased, and in processing and inspection.[237] *These errors created difficulty in determining facts and were so blatant, the Court believes they were not accidental but instead intended to cover-up what actually occurred during the military operation.*[238]

Some family members received threats to stop searching for their loved ones.[239] *The case file proves the State was aware of some of these threats, and that it ordered security for Ms. Santodomingo and her family.*[240] *The State did not attempt to deny that these threats were made.*[241]

Because the release of hostages from the Palace of Justice was transmitted across various television channels,[242] *many family members saw loved*

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230. *Id.* ¶ 255-56.
231. *Id.* ¶ 257.
232. *Id.* ¶ 260.
233. *Id.* ¶ 262.
234. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 265.
235. *Id.* ¶ 266.
236. *Id.* ¶ 268.
237. *Id.* ¶ 269.
238. *Id.* ¶ 270.
239. *Id.* ¶ 271.
240. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 272.
241. *Id.*
242. *Id.* ¶ 273.

ones leave alive, but all attempts to recover the footage were futile.[243] *The Court determined that identifications made by video could not count as evidence since they could not be properly corroborated.*[244]

The State argued that the victims may have died in the siege and their bodies have not been recovered or properly identified.[245] *However, in the early 2000's, the South Grave was exhumed and only one victim out of ninety bodies was identified through genetic tests.*[246] *Additionally, even if their bodies were included in the mass grave, the victims still could have left the Palace of Justice alive.*[247] *Expert testimony on the length of time the fire burned and its effect on corpses was not definitive but unlikely to burn bodies to ash.*[248] *Further, the probability of identification errors occurring to all of the eight disappeared cafeteria workers is low.*[249] *The State's expert witness suggested that the military may have buried some Palace of Justice victims in a different mass grave and that they did not properly guard the South Grave.*[250] *Therefore, the Court rejected the State's theories.*[251]

Although the State commenced multiple domestic investigations, it did not determine one official factual narrative as to the victims.[252] *The evidence and investigations suggest that these victims were forcibly disappeared and the State even acknowledged its negligence played a factor.*[253] *For the foregoing reasons, the Court determined that all the elements of forced disappearances were met.*[254]

Forced disappearances inherently violate Article 1(a) (Prohibition of Practicing, Tolerating or Permitting Forced Disappearances) of the Inter-American Convention on Forced Disappearances, as well as other

243. *Id*. ¶¶ 237-74.
244. *Id*. ¶ 275.
245. *Id*.¶ 289.
246. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 290.
247. *Id*. ¶ 293.
248. *Id*. ¶ 295.
249. *Id*. ¶ 296.
250. *Id*. ¶ 297.
251. *Id*. ¶ 298.
252. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 299.
253. *Id*. ¶ 302.
254. *Id*. ¶ 305.

international human rights.[255] *Since the first element of a forced disappearance is deprivation of liberty, when a victim is not registered with or brought before the proper authorities, this simultaneously violates Article 7 (Right to Personal Liberty) and satisfies the first element of a forced disappearance.*[256]

Forced disappearances violate Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture and Cruel, Inhumane or Degrading Treatment) and 7 (Right to Personal Liberty) because detainees are often subjected to coercive and prolonged periods of solitary confinement.[257] *The Court presumed military members performed these and other acts of torture on the victims.*[258] *Forced disappearances also violate Article 4(1) (Prohibition of Arbitrary Deprivation of Life) because when State agents are free to torture or murder with impunity, this violates the obligation of the State to protect people's physical integrity and life.*[259] *Moreover, forced disappearances often involve an execution without due process followed by a cover-up.*[260] *Finally, forced disappearances violate Article 3 (Right to Juridical Personality) because inherent in a forced disappearance is a removal from the protection of law; just as the Court found here, these victims were in a "legal limbo" where they could not exercise any of their legal rights.*[261]

In conclusion, the Court found the State violated Articles 3, 4(1), 5(1), 5(2) and 7 of the Convention because the military forcibly caused the victims to disappear, denied responsibility, and deliberately took steps to conceal this from their families.[262]

Article 4 (Right to Life), in relation to Article 1(1) of the Convention, to the detriment of Ms. Ana Rosa Castiblanco Torres and Ms. Norma Constanza Esguerra Forero,[263] because:

255. *Id*. ¶ 321.
256. *Id*. ¶ 322.
257. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 322.
258. *Id*.
259. *Id*. ¶ 323.
260. *Id*.
261. *Id*.
262. *Id*. ¶ 324.
263. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Operative Paragraphs" ¶ 4.

Neither Ms. Esguerra Forero nor Ms. Castiblanco Torres were determined to be forcibly disappeared; however, the State still violated Article 4 (Right to Life),[264] *which can be violated if bodies are treated in a demeaning manner, including a failure to both respect basic standards of identification and to return bodies to their families.*[265] *Thus, the Court recognized an obligation for the State to tell families the truth about a loved one's location.*[266]

Ms. Esguerra Forero's mother identified her belongings next to a severely burned body the day following the siege and the autopsy report showed this body belonged to an unidentified woman.[267] *However, officials returned this body to the family of Justice Pedro Elías Serrano.*[268] *In 2002, the family of Ms. Esguerra Forero asked for either the exhumation of the body returned to Justice Serrano's family or her daughter's death certificate; no Court evidence showed that Colombian officials took any steps in response.*[269] *At the time of the Judgment, the location of Ms. Esguerra Forero's remains was still unknown.*[270]

Ms. Castiblanco Torres's body was one of those discovered during the mass exhumation of the South Grave.[271] *The autopsy records are unclear, but the burning of her body suggests that she died in a fire during the siege.*[272] *Due to inconsistent evidence, the Court could not declare her forcibly disappeared.*[273] *However, this did not absolve the State from its obligations under Article 4 (Right to Life) because the State still had a duty to inform her family of the location of her remains, which were unknown for sixteen years because she was buried in a mass grave.*[274]

Therefore, the Court held that Colombia violated its obligation to Ms. Esguerra Forero and Ms. Cstiblanco Torres' next of kin by its treatment of their bodies, burying Ms. Castiblanco Torres in a mass grave without

264. *Id*. ¶¶ 317, 320; "Operative Paragraphs" ¶ 4.
265. *Id*. ¶ 327.
266. *Id*. ¶ 326.
267. *Id*. ¶ 307.
268. *Id*.
269. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 313.
270. *Id*. ¶ 326.
271. *Id*. ¶ 318.
272. *Id*. ¶ 320.
273. *Id*.
274. *Id*. ¶ 326.

following efficient identification protocol, and failing to return Ms. Esguerra Forero's body to the proper family.[275]

Articles 3 (Right to Juridical Personality), 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) and 7 (Right to Personal Liberty), in relation to Article 1(1) of the Convention, to the detriment of Carlos Horacio Urán Rojas,[276] because:

As discussed above, the elements of a forced disappearance are: (1) an individual is deprived liberty; (2) State agents directly intervene or acquiesce; and (3) the State refuses to acknowledge this deprivation and provide information about the location or fate of the individual.[277] *This third element heightens the violation from extrajudicial execution to a forced disappearance.*[278] *The State presented contradictory evidence as to Mr. Urán Rojas's fate after it was proven that he was in the Palace of Justice during the siege in a bathroom in between the second and third floors.*[279] *Some evidence suggested he was killed in the bathroom while other evidence purported no bomb exploded in the bathroom and that he must have died later.*[280] *Multiple eyewitnesses also claimed to have seen Mr. Urán Rojas leave the Palace of Justice alive*[281]*and multiple videos identified him leaving alive.*[282] *His wife received his body without any personal effects and several autopsies performed concluded inconsistent causes of death.*[283] *The State acknowledged responsibility by omission for failing to properly investigate what happened to Mr. Urán Rojas.*[284] *The Court noted that his body was found amongst those labeled "guerillas" and had a similar gunshot wound as seven other guerrilla members.*[285]

After examining this evidence, the Court determined that Mr. Urán Rojas

275. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 327.
276. *Id*. "Operative Paragraphs" ¶ 5.
277. *Id*. ¶ 365.
278. *Id*. ¶ 366.
279. *Id*. ¶ 331.
280. *Id*. ¶ 335.
281. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 336-38.
282. *Id*. ¶¶ 339-42.
283. *Id*. ¶¶ 345-54.
284. *Id*. ¶ 355.
285. *Id*. ¶ 358.

left the Palace of Justice alive in the State's custody, he was not registered on any list of survivors, and the State subsequently executed him,[286] *which satisfies the first two elements of a forced disappearance.*[287] *The absence of any registration of his detainment combined with the State's impediment of his family's investigation satisfies the third element.*[288] *Thus, the Court found Colombia violated Articles 3 (Right to Juridical Personality), 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane, or Degrading Treatment) and 7 (Right to Personal Liberty) to the detriment of Mr. Urán Rojas.*[289]

Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) and 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), in relation to Article 1(1) of the Convention, to the detriment of Ms. Yolanda Santodomingo Albericci, Mr. Eduardo Matson Ospino and Mr. Orlando Quijano,[290] because:

The State violated Mr. Quijano, Mr. Matson Ospino and Ms. Santodomingo Albericci's rights under Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), and 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) because the military officials did not properly register their detentions, their detentions were not based on established domestic norms or on any objective and specific criteria, and the State denied evidence of their detentions.[291] *A detention must comply with Article 7 even if it is only to identify someone or to ensure public order.*[292] *The Court determines whether a detention complied with Article 7(2) after examining the reasons and procedure established within domestic law.*[293] *The State attempted to provide the Court with justifiable reasons for Mr. Quijano's detention too late and thus was time-barred.*[294] *Further, Article 28 of Colombia's Constitution requires a government*

286. *Id*. ¶ 364.
287. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 365.
288. *Id*. ¶¶ 367-68.
289. *Id*. ¶ 369.
290. *Id*. "Operative Paragraphs" ¶ 6.
291. *Id*. ¶ 410.
292. *Id*. ¶ 404.
293. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 405.
294. *Id*.

order after the ministers give their opinion, which is only admissible when "significant indicators" show the individual is violating public peace.[295] *The State could not definitively prove this in Mr. Quijano's case.*[296] *State documents showed he was only detained because he was near the Palace of Justice and acting "suspiciously" before the M-19 attack.*[297] *However, the Truth Commission proved Mr. Quijano was inside the Palace of Justice during the attack and evacuated that night.*[298] *Moreover, the State's argument that it detained Mr. Quijano for identification purposes is meritless because he presented his identification documents to military officials.*[299]

Additionally, the Court defined "arbitrary" under Article 7(3) as any deprivation of liberty without a specific reason or motive.[300] *In Mr. Quijano's case, the State did not argue any objective or specific reason for his detainment.*[301] *Similarly, military officials subjectively classified Mr. Matson Ospino and Ms. Santodomingo Albericci as "suspicious" and did not utilize any objective criteria.*[302] *For the foregoing reasons, the Court found Colombia violated Mr. Quijano, Mr. Matson Ospino, and Ms. Santodomingo Albericci's rights under Article 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) and 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) of the Convention.*[303]

Articles 7(1) (Right to Personal Liberty and Security) and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), in relation to Article 1(1) of the Convention to the detriment of Mr. José Vicente Rubiano Galvis,[304] because:

The State violated Mr. Rubiano Galvis's rights under Articles 7(1) (Right to Personal Liberty and Security) and 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) because he was detained without a court order, was accused of acts

295. *Id*.
296. *Id*.
297. *Id*. ¶ 406.
298. *Id*.
299. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 407.
300. *Id*. ¶ 408.
301. *Id*.
302. *Id*. ¶ 409.
303. *Id*. ¶ 410.
304. *Id*. "Operative Paragraphs" ¶ 7.

unrelated to his alleged crime, was not permitted to speak to his family, the military denied his detainment, and there was no proof of his detention.[305] *The State claimed it properly detained Mr. Rubiano Galvis because it found him* in flagrante delicto*, or clearly in the midst of committing a crime which violated Decree 1056, permitting the detention of an individual without a court order in a state of emergency.*[306] *However, even in times of emergency, the military still must only detain individuals according to a "strict criteria of due diligence" and comply with the State's treaty obligations.*[307] *Additionally, the State has the burden of proof if it raises an* in flagrante delicto *detention*.[308] *In this case, the State only provided the Court with documentation showing that the military detained Mr. Rubiano Galvis at a military checkpoint after seizing weapons on a public bus, and that Mr. Rubiano Galvis was seen before a military criminal investigation judge.*[309] *Although the "hearing" could show evidence of a proper procedural norm, the State did not provide sufficient documentation to prove the lawfulness of Mr. Rubiano Galvis's detention.*[310] *Further, Mr. Rubiano Galvis and his representatives rebutted with evidence showing he could not contact his family, and was subjected to torture.*[311] *For the foregoing reasons, the Court found the State violated Mr. Rubiano Galvis's rights.*[312]

Articles 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 11(1) (Right to Honor and Dignity) and 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor and Dignity), in relation to Article 1(1) of the Convention, to the detriment of Mr. José Vicente Rubiano Galvis,[313] because:

The Court found that the acts of sexual violence performed by the military

305. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 416.
306. *Id*. ¶ 411.
307. *Id*. ¶ 412.
308. *Id*. ¶ 413.
309. *Id*.
310. *Id*.
311. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 413-15.
312. *Id*. ¶ 416.
313. *Id*. "Operative Paragraphs" ¶ 8.

on Mr. Rubiano Galvis constituted torture and violated his right to privacy.[314] *The Court determines a violation of the right to physical and mental integrity on a case-by-case basis.*[315] *This Court has held that one of the most deplorable violations is when a State's agent commits an act of sexual violence against a detainee.*[316] *The Court defined sexual violence as "acts of a sexual nature committed on a person without his consent" and can include actions even absent physical contact.*[317] *Here, the military took Mr. Rubiano Galvis to multiple detainment locations where officials beat him and shocked various body parts, including his genitals, with electric currents in an attempt to make him confess to involvement with M-19.*[318] *This action constitutes torture under Articles 5(1)) and 5(2) because sexual violence against a detainee degrades the victim physically and emotionally, causes psychological damage, and was performed to illicit a confession.*[319]

Further, Article 11 (Right to Privacy) protects an individual's privacy, including his sexual life, and therefore this act of sexual violence violated Mr. Rubiano Galvis's rights under Articles 11(1) (Right to Honor and Dignity) and 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor and Dignity).[320]

Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of Ms. Yolanda Santodomingo Albericci and Mr. Eduardo Matson Ospino,[321] because:

The Court recognized that acts of unnecessary force on a detainee violate Article 5 (Right to Humane Treatment).[322] *In previous cases, the Court more narrowly articulated "torture" as: (1) intentional ill-treatment that (2) causes "severe physical or mental suffering;" and (3) is performed*

314. *Id*. ¶ 425.
315. *Id*. ¶ 421.
316. *Id*. ¶ 425.
317. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 425.
318. *Id*. ¶ 423.
319. *Id*. ¶¶ 424-25.
320. *Id*. ¶ 425.
321. *Id*. "Operative Paragraphs" ¶ 9.
322. *Id*. ¶ 419.

for an objective or purpose.[323] *Here, the military detained Ms. Santodomingo Albericci and Mr. Matson Ospino because they appeared suspicious.*[324] *The officials threatened to shoot them, subjected them to long interrogations where they were kicked and told to confess, forced to undergo the gauntlet test, subjected to a "eucalyptus" smelling gas that caused a suffocating feeling, turned in circles to disorient them, and handcuffed to beds where they were interrogated.*[325] *The Court also determined that some of the military's actions directed towards Ms. Santodomingo Albericci specifically, including threats to cut her hair and throw her naked into a waterfall, qualified as violence against women.*[326] *The Court held that the military actions against the students constituted intentional ill treatment and satisfied the first element.*[327] *The students suffered physically and psychologically, thereby satisfying the second element.*[328] *Since the military performed these actions to illicit a confession, the Court held the ill treatment satisfied the third element.*[329] *Therefore, Colombia violated Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture and Cruel, Inhumane, or Degrading Treatment) to the detriment of Ms. Santodomingo Albericci and Mr. Matson Ospino.*[330]

Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Orlando Quijano,[331] because:

The military forced Mr. Quijano to hold his hands above his head for extended periods of time through multiple, lengthy interrogations.[332]*Although the military engaged in these activities to illicit Mr. Quijano's confession, they caused him less suffering and he testified he did not consider this torture.*[333] *Instead, the Court determined these actions qualified as "cruel and degrading treatment" in violation of Articles 5(1) (Right to*

323. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs ¶ 420.
324. *Id*. ¶ 422.
325. *Id*.
326. *Id*. ¶ 427.
327. *Id*. ¶ 424.
328. *Id*.
329. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 424.
330. *Id*.
331. *Id*. "Operative Paragraphs" ¶ 10.
332. *Id*. ¶ 423.
333. *Id*. ¶ 428.

Physical, Mental, and Moral Integrity) and 5(2)(Prohibition of Torture and Cruel, Inhumane or Degrading Treatment).[334]

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention and Article 1(b) (Duty to Punish Forced Disappearances) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of the next of kin of the disappeared victims,[335] because:

Articles 8 (Right to a fair Trial) and Article 25 (Right to Judicial Protection) require states to competently investigate alleged human rights violations and "provide effective judicial remedies" to the victims with proper due process considerations.[336] *In the years following the siege, some Colombian military officials have been held responsible for the forced disappearances in criminal courts, disciplinary hearings, or in the military criminal jurisdiction; however, none of these decisions are final, and numerous appeals were pending at the time of this Judgment.*[337]

This Court has held in prior cases that the military criminal jurisdiction has a limited scope and should only be utilized to try active soldiers for offenses relating to the internal function of the military; it is not the proper jurisdiction to investigate human rights violations.[338] *The investigation of Ms. Franco Pineda's forced disappearance should have been conducted under ordinary jurisdiction*[339] *because this jurisdiction does not punish forced disappearances.*[340] *Since her family could not participate in these proceedings, this prevented the conviction of high-ranking officials in the ordinary jurisdiction.*[341] *Therefore, the State violated the victims' rights to ordinary judges.*[342]

States have the obligation to impose proportional sentences upon those convicted.[343] *The UN High Commissioner for Human Rights indicated*

334. *Id*.
335. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Decides" ¶ 11.
336. *Id*. ¶¶ 435-37.
337. *Id*. ¶ 433.
338. *Id*. ¶¶ 442-43.
339. *Id*. ¶ 447.
340. *Id*. ¶¶ 441; 446.
341. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 448.
342. *Id*. ¶ 450.
343. *Id*. ¶ 459.

that in this matter, illegally granting benefits to Army members convicted of extrajudicial executions could be considered a "form of impunity."[344] *After the military officials were convicted, they were moved across various military facilities to serve their sentences due to safety concerns.*[345] *Witnesses say the official's "special sentence" is a farce and he still lives like a "regular officer."*[346] *In this case, the Court found the State had not violated this requirement because of legitimate safety concerns and the human rights obligation owed to the detainee.*[347]

If a forced disappearance is suspected, states have the obligation to open a competent, independent, ex officio, *and timely criminal investigation.*[348] *Even though family members asked for information immediately following the attack and also voiced theories of disappearances,*[349] *the State did not open any investigations and denied disappearances.*[350] *Even after multiple ordinary jurisdiction investigations determined Ms. Franco Pineda had been forcibly disappeared, the military criminal jurisdiction declared there was insufficient evidence to reach this conclusion.*[351] *Therefore, the Court found the State failed to open an* ex officio *investigation.*[352]

The State had the duty to search for the missing victims[353] *but in cases of alleged forced disappearances, states have the heightened obligation to conduct investigations timely and utilize all necessary measures,*[354] *including all legal mechanisms.*[355] *This is critical because states also owe an obligation to the next of kin to provide the truth about a loved one's whereabouts.*[356] *Here, the next of kin lead the charge to determine loved ones' whereabouts whereas the government performed only fragmented investigations.*[357] *At the time of judgment, the whereabouts of the eleven*

344. *Id.* ¶ 461.
345. *Id.* ¶¶ 452-56.
346. *Id.* ¶ 458.
347. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 465; 468-470.
348. *Id.* ¶ 475.
349. *Id.* ¶ 471.
350. *Id.* ¶ 473.
351. *Id.* ¶ 474.
352. *Id.* ¶ 477.
353. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 478.
354. *Id.* ¶¶ 479-80.
355. *Id.* ¶ 488.
356. *Id.* ¶ 481.
357. *Id.* ¶ 483.

missing victims was still unknown.[358] *The Court concluded that the State did not take sufficient measures and did not conduct proper investigative or legal strategy;*[359] *therefore, it did not comply with its obligations*[360]*to determine the whereabouts of the victims and thus violated the family members' access to justice.*[361]

The State also owes an obligation to conduct the investigation within a reasonable time.[362]*Since most substantive investigations took place almost twenty years after the siege, the Court did not analyze this in detail and summarily determined a violation of the reasonable time requirement.*[363]

The family member's right to know the truth exists within articles in the Convention, other international legal documents, and through this Court's case law.[364] *At the time of this judgment, the truth of what happened to the victims was still unknown.*[365] *Since this right is included within other Articles, the Court did not make a separate determination as to any violation of this right.*[366]

For the foregoing reasons, the Court found the State violated Articles 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) to the detriment of the forcibly disappeared victims.[367]

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention and Articles 1 (Obligation to Prevent and Punish Torture), 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Ms. Yolanda Santodomingo Albericci, Mr. Eduardo Matson

358. *Id*. ¶ 478.
359. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 485-86.
360. *Id*. ¶¶ 504-05.
361. *Id*. ¶¶ 485-86.
362. *Id*. ¶ 505.
363. *Id*. ¶¶ 506-07.
364. *Id*. ¶ 509.
365. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 510.
366. *Id*. ¶ 511.
367. *Id*. ¶¶ 512-13.

Ospino, Mr. Orlando Quijano and Mr. José Vicente Rubiano Galvis,[368] because:

As discussed above, states must comply with due process by investigating alleged human rights violations and providing victims with effective judicial remedies.[369] *The military criminal jurisdiction has a limited scope*[370] *and does not meet the necessary independence and impartiality requirements.*[371] *The military conducted the investigation into Ms. Santodomingo Albericci and Mr. Matson Ospino's detention under this jurisdiction.*[372] *Therefore, the State violated the right to ordinary judges.*[373]

States must investigate allegations of torture or inhumane treatment, and punish those responsible.[374] *Because Ms. Santodomingo Albericci and Mr. Matson Ospino reported their torture days later and Mr. Quijano testified about his torture in court,*[375] *Colombia was on notice of these events.*[376] *Even after the Special Court declared Ms. Santodomingo Albericci and Mr. Matson Ospino were subjected to ill treatment, investigations closed in 1993 and were not reopened until 2007.*[377] *Therefore, the Court concluded the State failed to conduct a proper* ex officio *investigation.*[378]

For the foregoing reasons, including some of the reasons discussed above in regards to the forcibly disappeared victims, the Court found the State violated Articles 8(1) (Right to a Hearing Within a Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) to the detriment of Ms. Santodomingo Albericci, Mr. Matson Ospino, Mr. Quijano, and Mr. Rubiano Galvis.[379]

368. *Id*. "Operative Paragraphs" ¶ 11.
369. *Id*. ¶¶ 435-37.
370. *Id*. ¶¶ 442-43; 445.
371. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 447.
372. *Id*. ¶ 441.
373. *Id*. ¶ 450.
374. *Id*. ¶ 476.
375. *Id*. ¶ 472.
376. *Id*. ¶¶ 471-72.
377. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs ¶ 472.
378. *Id*. ¶ 477.
379. *Id*. ¶¶ 512-13.

Articles 4(1) (Prohibition of Arbitrary Deprivation of Life) and 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of the disappeared victims,[380] because:

For a State to comply with its obligations under Articles 4 (Right to Life) and 5 (Right to Humane Treatment), it has the negative obligation not only to refrain from killing anyone arbitrarily, but also the positive obligation to take the proper measures (administratively, politically, legally, and culturally) to ensure this right is complied with.[381] *A violation of this right does not necessarily equate to non-compliance because it depends on means and action.*[382]*Additionally, this right also includes protecting individuals from potential third-party violators, not just state actors.*[383] *To determine whether the State failed to comply with its obligations, the Court examines whether: (1) a real and imminent danger to the life existed; (2) at that time, the government knew or should have known of the danger; and (3) the government did not take necessary and reasonable preventative steps.*[384]

Prior to the siege of the Palace of Justice, judges and their family members received years of death threats in attempts to persuade them to not enforce the United States-Colombia Extradition Treaty and threats made against human rights attorneys demonstrated evidence of such imminent danger that the government increased security at the Palace of Justice.[385] *Additionally, Colombian officials were aware of M-19's guerrilla activity and its intent to execute a large-scale terrorist attack, as demonstrated by their radio message, the building plans discovered during a raid and an intercepted tip the day before the attack.*[386] *However, the government still reduced the Palace of Justice's security on November 4, 1985.*[387] *The State claims that the President of the Supreme Court requested reduced security, but the President vehemently denies making that request.*[388] *The*

380. *Id*. "Operative Paragraphs" ¶ 12.
381. *Id*. ¶¶ 518-20.
382. *Id*. ¶ 519.
383. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 520.
384. *Id*. ¶ 523.
385. *Id*.
386. *Id*.
387. *Id*.
388. *Id*. ¶ 524.

State should have properly assessed this risk by giving adequate protection and informing those involved of the enhanced risk.[389] *Additionally, since the obligation is one of means not results, the State's argument that the siege would have occurred irrespective of the amount of security is meritless.*[390] *All that needs to be proven is that the State's acts or omissions lead to this result.*[391] *Therefore, the State violated Articles 4(1) (Prohibition of Arbitrary Deprivation of Life) and 5(1) (Right to Physical, Mental and Moral Integrity), because it knew of an imminent and real danger to those who worked and visited the Palace of Justice, yet did not heighten security.*[392]

Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment) in relation to Article 1(1) (Obligation of Non-Discrimination) of the American Convention to the detriment of the next of kin of victims identified in paragraph 539,[393] because:

In previous cases, the Court has held that next of kin of victims can also be victims.[394] *The State acknowledged violating the right to personal integrity of the next of kin of those forcibly disappeared except for Ms. Guarín Cortés's niece and Ms. Castiblanco Torres's daughter.*[395] *The State also accepted responsibility for violating the right to personal integrity for Ms. Santodomingo Albericci and Mr. Matson Ospino's next of kin, but not for Mr. Quijano or Mr. Rubiano Galvis's next of kin.*[396] *The next of kin of forcibly disappeared victims are psychologically harmed and this is exacerbated when authorities refuse to give any information on the victim's whereabouts, or do not conduct an effective investigation.*[397] *Here, the next of kin demonstrated harm in testifying about the traumatizing events as a result of their loved one's forced disappearance*.[398] *All convinced the Court, except Ms. Crista del Pilar Guarín Cortés's niece, who is too distantly related and did not prove sufficient harm.*[399]

389. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 525-26.
390. *Id*. ¶ 527.
391. *Id*. ¶ 529.
392. *Id*. ¶¶ 528-30.
393. *Id*. "Operative Paragraphs" ¶ 13.
394. *Id*. ¶ 532.
395. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 532.
396. *Id.*
397. *Id*. ¶ 533.
398. *Id*. ¶ 534.
399. *Id*. ¶ 535.

The Court also emphasized that the State should return the remains of Ms. Esguerra Forero and Ms. Castiblanco Torres as soon as possible.[400] *The Court found Colombia's negligent investigation into their whereabouts violated the right to mental and moral integrity of their next of kin.*[401] *However, Ms. Castiblanco Torres's biological daughter whom she gave up for adoption did not sufficiently prove harm.*[402] *Additionally, the Court found Colombia violated the right of integrity of Ms. Santodomingo Albericci and Mr. Matson Ospino's next of kin after receiving the State's acknowledgment of the violation, after hearing expert testimony, and after hearing testimony articulating the psychological harm they suffered after their family members returned.*[403]

The Court found unanimously:

The State was not responsible for Ms. Ana Rosa Castiblanco Torres and Ms. Norma Constanza Esguerra Forero's forced disappearances,[404] because:

In the case of Ms. Esguerra Forero, the Court found insufficient evidence to indicate the State forcibly caused her disappearance and some evidence showed she was actually killed during M-19's attack on the Palace of Justice.[405] *Additionally, Ms. Castiblanco Torres's body was carbonized upon exhumation, indicating she died in one of the many fires during the Palace of Justice siege and therefore, the Court found insufficient evidence to prove her forcible disappearance.*[406]

C. *Dissenting and Concurring Opinions*

1. Concurring Opinion of Judge Eduardo Ferrer Mac-Gregor Poisot

Judge Mac-Gregor Poisot discussed the progression of this Court's case law in further developing the next of kin of victims' "right to truth."[407] In

400. *Id*. ¶ 536.
401. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 536.
402. *Id*. ¶ 537.
403. *Id*. ¶ 538.
404. *Id*. "Operative Paragraphs" ¶ 14.
405. *Id*. ¶ 317.
406. *Id*. ¶ 320.
407. Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Concurring Opinion of Judge Eduardo

this case, the Court considered the State's violation of the "right to truth" a violation of Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection).[408] However, Judge Mac-Gregor Poisot believes the violation of the "right to truth" no longer requires a violation of an obligation of the American Convention because case law and suggestions from other international bodies have transformed it into its own autonomous right that independently establishes obligations upon States.[409]

IV. REPARATIONS

The Court ruled unanimously[410] that the State had the following obligations:

A. *Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

1. Conduct an Extensive, Systematic, and Thorough Investigations to Determine What Occurred

The State must conduct this investigation while reflecting on this case's complexity with due diligence.[411] Additionally, the State must avoid omissions while assessing the evidence and should follow up on logical investigations.[412] The State cannot avoid its responsibilities by applying amnesty laws or arguing that the statute of limitations has run, *res judicata*, *ne bis in idem*, or that criminal law is non-retroactive.[413] The proper authorities must investigate *ex officio* and utilize all available resources to collect and process evidence and must have full access to any information that can clarify what occurred.[414] The State must identify and individualize the perpetrators and keep this investigation in ordinary jurisdiction.[415] Further, with respect to presumed sexual violence perpetrated against Ms. Santodomingo Albericci and Mr. Matson Ospino, the State must consider Mr. Matson Ospino's observations and conclusions

Ferrer MacGregor Poisot, Inter-Am. Ct. H.R., (ser. C) No. 287, ¶ 6 (Nov. 14, 2014).

408. *Id*.

409. *Id*.

410. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, "Operative Paragraphs," ¶ 18.

411. *Id*. ¶ 556.

412. *Id*.

413. *Id*.

414. *Id*.

415. *Id*.

from the expert witness.[416] The State must be transparent while conducting this investigation and the results must be publicized.[417]

2. Conduct an Investigation to Determine What Happened to Norma Constanza Esguerra Forero and Rosa Castiblanco Torres

The State must conduct all necessary investigations under the same standard discussed above to determine what happened to Ms. Esguerra Forero and Ms. Castiblanco Torres.[418]

3. Perform a Rigorous Search to Determine the Whereabouts of the Disappeared Victims

The State must determine the whereabouts of the missing victims to provide their families with closure and allow them to bury their loved one according to their beliefs, if possible.[419] Not only would this satisfy an obligation to the families, but also discovering the bodies would aid the investigation and help determine what occurred.[420] The State must perform a thorough search and utilize every relevant judicial and administrative mechanism as well as proper technological and scientific methods.[421] Additionally, the State should establish measures for transparency to communicate with the victim's families and must cover the cost of any funerals.[422]

4. Provide Medical, Psychiatric, or Psychological Treatment Upon Request of the Victims and Pay for the Treatment of Victims Living Outside of Colombia

The State must provide free healthcare, including treatment and medication, to the victims whether through appropriate national systems or through specialized private institutions.[423] This treatment must continue as long as it is needed and the State must make a significant effort

416. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 558.
417. *Id*. ¶ 559.
418. *Id*. ¶ 557.
419. *Id*. ¶ 563.
420. *Id*.
421. *Id*. ¶ 564.
422. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 564.
423. *Id*. ¶ 567.

to communicate this information to the victims.[424] If victims reside outside the State and request treatment, the State must provide them $7,500.00 (U.S.) within six months to receive treatment or medication.[425]

5. Publish and Publicly Acknowledge the Judgment

The State must publish the official summary of the judgment in both the Official Gazette and a national newspaper that is circulated widely.[426] Additionally, the State must publish and retain the judgment for one year on an official website.[427] The State must also broadcast the judgment on both a national radio station and television channel and give the representatives notice of the broadcasts two weeks prior.[428] Although the State partially acknowledged its violations, it must also publicly acknowledge its violations at an organized event with input from the victims with the Senior State officials and the victims present.[429]

6. Create an Audiovisual Documentary of this Case

The State must create an audiovisual documentary based on the attack, the facts involving the victims and their family members' search for justice as established in this judgment, and must include the opinions of the victims and their representatives.[430] The State must pay for the cost of creating and distributing this documentary.[431] The State must show this documentary on national television and give notice to the victims and their families at least two weeks prior, and must give 155 copies to the representatives.[432]

B. *Compensation*

1. Pecuniary Damages

The Court ordered the State pay $45,000 to the family of Ms. Guarín Cortés; $38,000 to the family of Mr. Beltrán Hernández; $35,000 to the family of Ms. Protela León and $5,000 to the family of Ms. Franco Pineda

424. *Id*. ¶ 568.
425. *Id*. ¶ 569.
426. *Id*. ¶ 572.
427. *Id*.
428. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 573.
429. *Id*. ¶ 576.
430. *Id.* ¶ 579.
431. *Id*.
432. *Id*.

since their families had not received compensation at this time.[433]

The State must also pay $10,000 each to Ms. Santodomingo Albericci, Mr. Quijano, Mr. Matson Ospino and Mr. Rubiano Galvis as reimbursement for their torture and ill treatment.[434]

2. Non-Pecuniary Damages

The Court ordered the State pay $100,000 to each of the forcibly disappeared victims, $80,000 to their parents, children, spouses and permanent companions, and $40,000 to their siblings in an attempt to reimburse them for their suffering and the harm perpetuated against their personal integrity.[435] Additionally, the State must pay $80,000 for Ms. Esguerra Forero, $70,000 for Ms. Castiblanco Torres, and $20,000 to each of their family members.[436] The State must also pay $40,000 each for Ms. Santodomingo Albericci, Mr. Matson Ospino, and Mr. Rubino Galvis, and $30,000 for Mr. Quijano and $15,000 to their family members.[437]

3. Costs and Expenses

The State must reimburse CCAJAR $14,465; the Justice and Peace Omission $1,055.00; CEJIL $25,800.00; and the two attorneys, Mr. Molano Rodríguez and Mr. Romero Sánchez, $3,349 in legal fees.[438] Additionally, the State must reimburse these organizations $61,000 in legal fees.[439]

4. Total Compensation (including Costs and Expenses ordered):

$7,536,092

C. *Deadlines*

The State must begin to conduct a proper investigation into what occurred and to determine the whereabouts of the missing victims within

433. *Id*. ¶ 596.
434. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 599.
435. *Id*. ¶ 603.
436. *Id*. ¶ 604.
437. *Id*. ¶ 605.
438. *Id*. ¶ 607.
439. *Id*. ¶ 608.

a reasonable time.[440]

The State must immediately provide free, appropriate, and adequate psychical, psychological, and mental healthcare to the victims and their families.[441] However, the State has six months to determine if any victims live outside the State and then provide them compensation to receive care.[442]

The State must publish this judgment within six months and hold an organized event publicly acknowledging its violations within one year.[443]

The State must create, exhibit, and distribute the audiovisual documentary within two years.[444]

The State must compensate victims, their families, and representatives within two years.[445]

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 287 (Nov. 14, 2014).

2. Decisions on Merits, Reparations, and Costs

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 287 (Nov. 14, 2014).

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440. Rodríguez Vera et. al v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, ¶ 556.
441. *Id*. ¶ 567.
442. *Id*. ¶ 569.
443. *Id*. ¶¶ 572-73; 576.
444. *Id*., ¶¶ 563; 579.
445. *Id*. ¶ 609.

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Concurring Opinion of Judge Eduardo Ferrer MacGregor Poisot, Inter-Am. Ct. H.R., (ser. C) No. 287 (Nov. 14, 2014).

3. Provisional Measures

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Provisional Measures, Order of the President, Inter-Am. Ct. H.R. (ser. C) No. 287, "Visto" (Oct. 16, 2013).

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R., (ser. C) No. 287, "Having Seen," (May 30, 2013).

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. *Inter-American Commission*

1. Petition to the Commission

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Petition No. 10.738, Inter-Am. Comm'n H.R. (Dec. 26, 1990).

2. Report on Admissibility

Case of Rodríguez Vera et. al. (The Disappeared from the Palace of Justice) v. Colombia, Admissibility Report, Report No. 137/11, Inter.-Am. Comm'n H.R., Case. No. 10.738 (Oct. 31, 2011).

3. Provisional Measures

[None]

4. Report on Merits

[None]

5. Application to the Court

Case of Rodríguez Vera et. al. (The Disappeared of the Palace of Justice) v. Colombia, Petition to the Court, Inter.-Am. Comm'n. H.R., Case No. 10.738 (Feb. 9, 2012).

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Research Report

Leiden Model United Nations 2017
~ fresh ideas, new solutions ~

Forum:	*Human Rights Council*
Issue:	*The issue of human rights and the fight against organized crime*
Student Officer:	*Weronika Dorocka*
Position:	*Deputy President*

Introduction:

Organized crime threatens peace and human security, violates human rights and undermines economic, social, cultural, political and civil development of societies around the world. Criminal groups undermine state authority and the rule of law by fuelling corruption, compromising elections, and hurting the legitimate economy.
In all cases, criminal influence and money are having a significant impact on the livelihoods and quality of life of citizens, most particularly the poor, women and children. In the Declaration of the High-Level Meeting on the Rule of Law, Member States stressed the importance of strengthened international cooperation in order to dismantle illicit networks, counter the world drug problem and transnational organized crime, including money-laundering, trafficking in persons, trafficking in arms and other forms of organized crime, all of which threaten national security and undermine sustainable development and the rule of law.
Furthermore, the research shown that the most urgent problem with organized crime is in the south of the U.S. border in the nations of Latin America – Mexico, Central and South America. Recently, the Mexico-based Citizens Council for Public Security and Criminal Justice released a study concluding that 43 of the 50 deadliest urban areas in the world are in Latin America, with Caracas, the capital of Venezuela, seen as the most dangerous city with 130 homicides per 100,000 people. Acapulco, Mexico, was second.
Before the last few decades, political violence proved the most significant security risk in Latin America. But, as civil wars ended and insurgencies demobilized, criminal violence took its place. During the transition to democratic governance that swept the region in the 1980s, the security forces of repressive regimes were largely dismantled. Meanwhile, in North America, the cocaine craze was reaching its peak.

Definition of Key Terms:

Organized crime

is any enterprise or group of persons engaged in a continuing illegal activity which has as its primary purpose the generation of profits. Beside the main activities being illegal under various state and federal laws, there are also laws which deal with money laundering from organized crime activities. Criminal organizations keep their illegal dealings secret, and members communicate by word of mouth. Many organized crime operations have profitable legal businesses, such as licensed gambling, building

construction, or trash hauling which operate alongside and provide "cover" for the illegal businesses.

Their main criminal activities are:

- racketeering;
- fraud;
- car theft;
- robbery;
- armed assault;
- drug dealing;
- trafficking in weapons and radioactive material;
- trafficking in human beings and exploitation through prostitution;
- alien smuggling;
- smuggling of precious and antique goods;
- extortion for protection money;
- gambling;
- embezzling from industries and financial institutions up to infiltration and control of private and commercial banks;
- controlling of black markets.

Transnational Organized Crime

Transnational organized crime in particular illicit drug trafficking, relies on highly organized international logistical structures. It trespasses national and regional borders, using well established international criminal networks.
With the increase of technology available around the world, TOC groups are more commonly incorporating cyber techniques into their illicit activities, either committing cyber crimes themselves or using cyber tools to facilitate other unlawful acts. Phishing, Internet auction fraud, and advanced fee fraud schemes allow criminals to target the United States without being present in the country. Technology also enables TOC groups to engage in traditional criminal activity, such as illegal gambling, but with a greater reach through use of the Internet and off-shore servers, thus expanding their global impact.
TOC poses a significant and growing threat to national and international security with dire implications for public safety, public health, democratic institutions, and economic stability across the globe. It jeopardizes our border security, endangers our health through human trafficking and counterfeit pharmaceuticals, and seeks to corrupt officials domestically and abroad. These threats also include criminal penetration of global energy and strategic material markets that are vital to national security interests, and logistical and other support to terrorists and foreign intelligence services

The Drug Enforcement Administration (DEA)
It'is a United States federal law enforcement agency under the U.S. Department of Justice, tasked with combating drug smuggling and use within the United States. The DEA is the lead agency for domestic enforcement of the Controlled Substances Act, sharing concurrent jurisdiction with the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), Homeland Security, and the U.S. Border Patrol. It has sole responsibility for coordinating and pursuing US drug investigations both domestic and abroad.

Jurisdiction
Power or right of a legal or political agency to exercise its authority over a person, subject matter, or territory. Jurisdiction over a person relates to the authority to try him or her as a defendant. Jurisdiction over a subject matter relates to authority derived from the country's constitution or laws to consider a particular case. Jurisdiction over a territory relates to the geographic area over which a court has the authority to decide cases. Concurrent jurisdiction exists where two courts have simultaneous responsibility for the same case.

Background information:

The beginning of the drug war in South America
In the mid 1970's, the recreational drug of choice in the United States was marijuana. Much of this was grown in Mexico or South America and then smuggled into the US, and much of this illegal smuggling was done by Cuban exiles living in Florida. In those times, security at airports was minimal, and it was a fairly simple matter for drug smugglers to hire flight attendants or passengers as "mules", who would travel to Columbia or Bolivia, fill their suitcases with marijuana, and bring it back to the US.
In the late 1970's, however, the rules of the game began to change, as increasing security made it more difficult for the mules to move their product. In 1977, two convicted drug smugglers who had just been released from Federal prison, Colombian Carlos Lehder Rivas and American George Jung, hatched a new plan: instead of relying on mules to spirit in small amounts of pot at a time, they would obtain their own light aircraft, fly them to the production fields in South America, and fly back to the US fully loaded and unsuspected, to land at surreptitious grass airfields in Florida for unloading.
Part of the reason for the Lehder network's success would be its contractual relationship with a pair of Colombian producers, Jorge Luis Ochoa Vasquez and his partner Pablo Emilio Escobar Gaviria, based near the town of Medellin, Colombia. And the network's fortunes increased dramatically when, in the late 1970's, Ochoa and Escobar began to supplement, and then virtually replace, their marijuana with a new product, one that was low-cost, high-profit, and would quickly become enormously popular in the US--cocaine. By 1980, virtually every high society figure in the US, from Hollywood to Wall Street, had his or her own personal cocaine dealer, and most of it was coming from the Medellin Cartel.

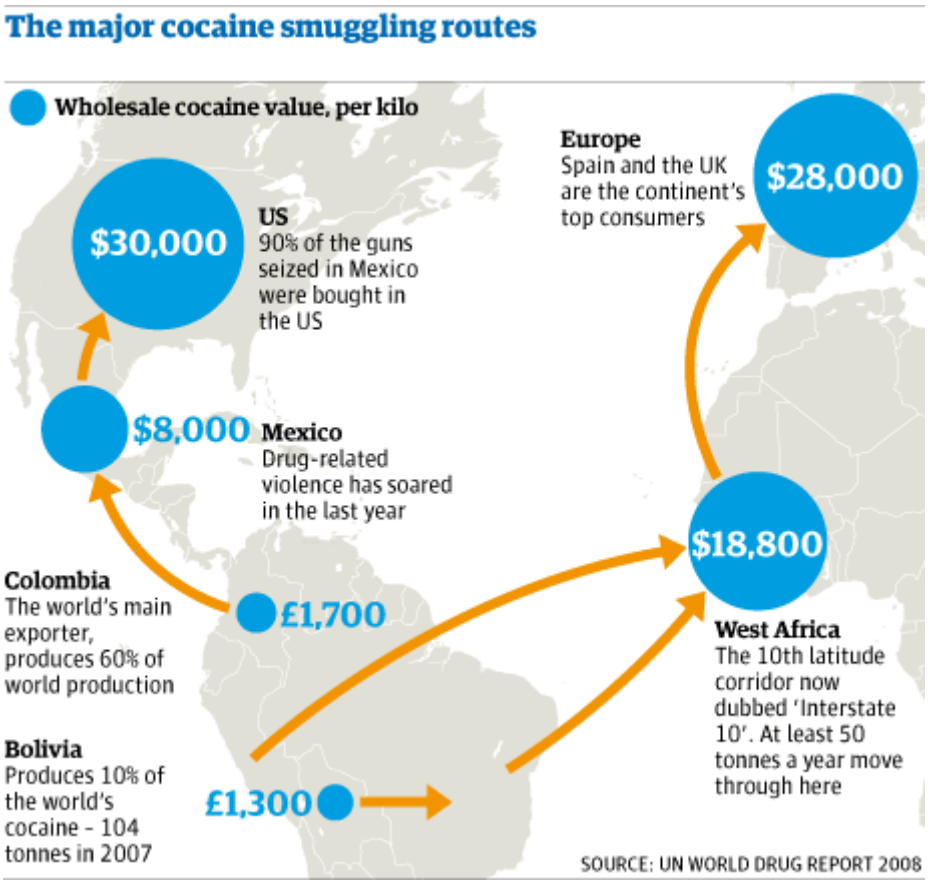
Medellín Cartel

Ruthless, highly organized and much-feared Colombian drug cartel originating in the city of Medellín, Colombia. The drug cartel operated throughout the 1970s and 1980s in Bolivia, Colombia, Central America, Peru, and the United States, as well as in Canada and Europe. It was founded and run by Ochoa Vázquez brothers Jorge Luis, Juan David, and Fabio, together with Pablo Escobar, George Jung, Carlos Lehder and José Gonzalo Rodríguez Gacha. By 1993, the resistance group, Los Pepes (or PEPES), controlled by the Cali Cartel, and the Colombian government, in collaboration with the Cali Cartel, right-wing paramilitary groups, and the United States government, had dismantled the Medellín Cartel by imprisoning or assassinating its members.At the height of its operations, the Medellín Cartel smuggled tons of cocaine each week into countries all over the world and brought in up to $60-$100 million daily in drug profits. For a time, the Medellín Cartel supplied at least 96% of the United States and 90% of the global cocaine market.

Operation Snowcap

was a counter-narcotics operation conducted by the Drug Enforcement Administration (DEA) and military/police forces in nine Latin Americancountries. At an annual cost to the DEA of $80 million, and involving approximately 140 agents at its onset, Snowcap was the largest counter-narcotics operation that had been launched in Latin America. The U.S. Department of Defense leased 6 UH-1 Huey helicopters, and provided flight training to Bolivian air force pilots and Special Forces training for UMOPAR and DEA agents. Operation Snowcap actively recruited U.S. Army Infantry Officers attending the Army Infantry Officer's Advanced Course in the late 1980s. Senior Lieutenants and Captains attending the course were given classified briefings attempting to recruit them from the Army to participate for operations in Bolivia and Peru.
In late 1987, Clandestine Laboratory and Chemical Program Czar, Gene R. Haislip, Deputy Assistant Administrator of DEA and Douglas A. Snyder, frequent SNOWCAP operative, convinced high level DEA officials that change was needed in the SNOWCAP program. They successfully lobbied DEA brass, David Westrate, Terry Burke and Chuck Guttenson, for Frank E. White, Chief of DEA Special Training, to become the new head of SNOWCAP, because of his breadth of military experience and no-nonsense law enforcement perspective. The top brass accepted their recommendations. In one incident in a remote jungle location, DEA Operatives White and Snyder, and Navy Seals R.Gonzales and Red Hernandez were cornered by several dozen local campasinos wielding machetes and the team barely escaped harm by boarding a air transport provided by DEAs Addison Air Wing. In a 1988 memo, White, as new head of SNOWCAP, charged that agents were not being given adequate to support for their mission, warning that without immediate changes, "DEA agents are going to agonize along through an excruciating death on an isolated jungle floor." Fortunately DEA brass supported his request for increase U.S. Military special forces assistance to field DEA agents deployed under SNOWCAP, with the additional deployment of Navy SEALS/medics. However, Frank White never thought the level of support was adequate to protect deployed DEA agents in such remote jungle locations, but trudged forward.

Where are Illicit Substances Coming From


The major cocaine smuggling routes
Wholesale cocaine value, per kilo
$30,000
US
90% of the guns seized in Mexico were bought in the US
$8,000
Mexico
Drug-related violence has soared in the last year
Colombia
The world's main exporter, produces 60% of world production
£1,700
Bolivia
Produces 10% of the world's cocaine - 104 tonnes in 2007
£1,300
Europe
Spain and the UK are the continent's top consumers
$28,000
$18,800
West Africa
The 10th latitude corridor now dubbed 'Interstate 10'. At least 50 tonnes a year move through here
SOURCE: UN WORLD DRUG REPORT 2008

These statistics beg the question, where are these drugs coming from? Especially since these drugs are illegal to grow, sell, and possess in the United States. In 2009, the Guardian Newspaper published a story detailing the cocaine trade. 60% of all cocaine is produced by Columbia, and 10% by neighboring Bolivia. The Columbian cocaine makes its way through Mexico and then into the United States, where the value of a kilo of cocaine rests at approximately $30,000. Likewise, Bolivian cocaine travels through West Africa's infamous "Interstate 10" and up into the UK and Spain—the corridor to Europe. While cocaine mainly flows from South America, heroin's origin can be traced back to Asia. The United Nation's Office on Drugs and Crime reports that Myanmar and Afghanistan are the global centers for opium production.

Teenagers
A startling statistic released by the Wall Street Journal claims that 81% of teens surveyed said they had the opportunity to use illicit substances. Almost half of all teens had tried the drugs, and 16% could be categorized as drug abusers.
Given the fact that 81% of teens replied that they had access to these globally illicit substances, it is extremely important that the United States invest in strategies to educate

and prevent the continued proliferation of these substances. Being Adept, a Marin based drug and alcohol education program, has a proven track record of improving education about drugs and alcohol, and helping prevent teen drug and alcohol abuse. Drug and Alcohol curriculums like Being Adept, ought to be cast under the spotlight as these drugs continue to penetrate the United States' borders.

Major countries and organisations involved:

Italy
(Italian Organized Crime/Mafia)

Since their appearance in the 1800s, the Italian criminal societies known as the Mafia have infiltrated the social and economic fabric of Italy and now impact the world. They are some of the most notorious and widespread of all criminal societies. There are several groups currently active in the United States: the Sicilian Mafia, the Camorra, the 'Ndrangheta, and the Sacra Corona Unita, or United Sacred Crown. We estimate the four groups have approximately 25,000 members total, with 250,000 affiliates in Canada, South America, Australia, and parts of Europe. They are also known to collaborate with other international organized crime groups from all over the world. The Mafia has more than 3,000 members and affiliates in the U.S., scattered mostly throughout the major cities in the Northeast, the Midwest, California, and the South. Their largest presence centers around New York, southern New Jersey, and Philadelphia. The major threats to American society posed by these groups are drug trafficking—heroin, in particular—and money laundering. They also are involved in illegal gambling, political corruption, extortion, kidnapping, fraud, counterfeiting, infiltration of legitimate businesses, murders, bombings, and weapons trafficking.

Mexico

Between 40,000 and 50,000 people have been killed in Mexico as a result of the drug war, drug trafficking, and organized criminal activities since 2006. About 3,000 people were disappeared during Mexico's dirty war (late 1960s – early 1970s), a dark period in Mexican history. While other people have certainly disappeared since then, it is really the last time that "disappearance" was discussed as a phenomena or practice. Today the number is at least three times higher.
The work of human rights groups is based in international human rights law. That law, originating in the Universal Declaration of Human Rights, is focused on the responsibility of the state. It is states that sign and agree to abide by the treaties coming out of the Universal Declaration. Killings, torture, and disappearances carried out by the state are violations of human rights. On the other hand, killings, torture and disappearances carried out by the Zetas and other criminal organizations are crimes.
Yet there is a right to personal security. And even if the state is not directly violating that right, doesn't it have an obligation to protect its citizens? The Mexican state is not fulfilling that mandate, whether by commission or omission; it is not successfully

arresting and prosecuting criminals. So where does the fundamental right of the citizen to security fit into the mandate of human rights organizations?

Brazil
Brazil's efforts are notable, because it seldom dedicates significant attention to affairs in its hinterlands. Recently, though, its drug and crime epidemic and especially the power and ruthlessness of its drug gangs in the favelas of Rio de Janeiro, São Paulo, and other cities have become issues of national frustration and public action. Like the United States before it, this regional power has discovered the importance of trying to stop the entry of drugs at its borders, and the utility of helping its neighbors improve their own law enforcement capabilities. Predictably, however, these initiatives have opened complicated new dimensions in Brazil's relations with its smaller, poorer neighbors.

Bolivia
Half of Bolivia's economic activity is carried out in the informal, and often illegal, sector. Smuggling has long been the lifeblood of communities along Bolivia's five porous borders and this illegal industry employs far more Bolivians than the drug trade. Indeed, smuggling is a tolerated illegal industry. Smuggled cars -- many stolen in Chile -- make up a high percentage of those driving along Bolivia's roads.
The head of Bolivia's migration authority, Cosset Estenssoro, revealed that Boliviadoes not have information on national arrest warrants, only those international warrants registered with Interpol. This means that Colombian drug traffickers with national arrest warrants can enter Bolivia with no fear of detention, something confirmed by underworld sources in Medellin.

Timeline of events:

Date:	Description of event:
November 1975	Colombian police seize 600 kilograms of cocaine — the largest seizure to date — from a small plane. Drug traffickers respond with a vendetta, killing 40 people in one weekend in what's known as the "Medellin Massacre." The event signals the new power of Colombia's cocaine industry, headquartered in Medellin.
1981	The Medellin cartel rises to power. The alliance includes the Ochoa family, Pablo Escobar, Carolos Lehder and Jose Gonzalo Rodriguez Gacha. The drug kingpins work together to manufacture, transport and market cocaine. The United States and Colombia ratify a bilateral extradition treaty.
1984	Nancy Reagan launches her "Just Say No" anti-drug campaign. In July, The Washington Times publishes a story about DEA informant Barry Seal's infiltration of the Medellin cartel's operations in Panama.

	The story shows that Nicaraguan Sandanistas are involved in the drug trade. As a result of Seal's evidence, a Miami federal grand jury indicts Carlos Lehder, Pablo Escobar, Jorge Ochoa and Jose Gonzalo Rodriguez Gacha. (In February 1986, Seal is assassinated in Baton Rouge, La., by gunmen hired by the cartel.)
1988	Carlos Salinas de Gortari is elected president of Mexico, and President-elect George H.W. Bush tells him he must demonstrate to the U.S. Congress that he is cooperating in the drug war. This process is called certification.
November 1993	President Clinton signs the North American Free Trade Agreement (NAFTA), which increases the amount of trade and traffic across the U.S.-Mexican border. This makes it more difficult for U.S. Customs to find narcotics moving across the border.
2004	Along with the State Department and the Department of Defense, the DEA announces its involvement in the U.S. Embassy Kabul Counternarcotics Implementation Plan. It's designed to reduce heroin production in Afghanistan, the world's leading opium producer.

Possible solutions:

Focus on prevention - Prison populations are overflowing, crime is high and violence is a culture in South Africa. The focus needs to be on preventing the conditions that draw people into violent or criminal behaviour. In order to do this we need a systematic, integrated, coordinated approach combining the responsibilities of a wide range of state and non-state actors.

Understand that violence is going virtual - Cyberspace is a new domain for violence. This ranges from the use of social media to project force (videos showing assassinations, torture, threats), to recruit would-be members of extremist groups (digitally savvy marketing campaigns, online chat sites), for selling product (deep web), and also for more banal but no less important forms of intimidation and coercion (bullying).

Learn from history - A lot of human rights violations of massive proportions in Brazil, such as slavery and dictatorship, were never really dealt within a transitional or reconciliation process. At the same time, the security forces are relying on structures that don't make sense and foster competition and corruption.

Keep in mind the impact of drugs - The global "war on drugs" is a massive driver of crime, violence and insecurity, not only in the Americas but increasingly globally. It is time for all international anti-violence development initiatives to take this on board. It still amazes me how much taboo there is around this issue, especially regarding the cocaine industry.

Use non-violent language - In a nation that has a long history of violence, we need to teach non-violence and non-violent communication. In the work I do with young men coming out of gangs, teaching non-violent communication, conflict resolution and basic communication skills has been so powerful.

Create well-targeted programmes - If the goal is to reduce homicides, then programme selection should be located in hotspot areas and focused on the population group most likely to commit violence crimes, often young males between 10-29 years old. The risk factors for why these young men get involved in criminality also needs to be clearly diagnosed and complemented with a treatment plan that involves the family and community.

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